

SB0884_FAV_HOPE.docx.pdf

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Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Antoin Quarles, Executive Director

DATE: March 10th, 2022

H.O.P.E. empowers men and women to make the transition from incarceration to community successfully and permanently. We help connect returning citizens with practical matters to remove barriers of reentry, such as resources for job and GED training; managing case-worker and other appointments; and developing new coping skills, accountability, life laws, and strong relationships to help deal with the stresses of life outside jail or prison, as well as deeper hurt and trauma. We support Senate Bill 884 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher



number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

Senate Bill 884 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on Senate Bill 884.

SB0884_Arielle Juberg_FAV.pdf

Uploaded by: Arielle Juberg

Position: FAV

SB0884, Driver's Licenses - Suspension for Child Support Arrearages - Exception
Testimony in **Support**

To: Chair Smith and members of the Judicial Proceedings Committee
From: Arielle Juberg, Baltimore, Maryland 21234

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice (SURJ) in Baltimore. SURJ is also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am testifying in **support** of SB0884, Driver's Licenses - Suspension for Child Support Arrearages – Exception.

SB0884 matters to me because I want Maryland's children to be financially and emotionally supported by caring adults. Punishing non-payment of child support by suspending a driver's license is a punitive measure that makes it harder for someone to earn a living and pay child support. This bill would ensure that a driver's license is not suspended for non-payment of child support if the obligor's income is not greater than 300% of the federal poverty level. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can also make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented “And by all means: Leave licenses — professional and drivers’ — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent’s income earning potential. It’s a child support system; supporting children should be the No. 1 goal.”

I want Maryland children to grow up with financial and emotional support. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. It is for these reasons that I am encouraging you to vote **in support of SB0884**. Thank you for your time, consideration, and service.

2021 UBALT - DL Suspension Stats.pdf

Uploaded by: Christopher Dews

Position: FAV

MEMORANDUM

To: Hon. Luke Clippinger,
Chair, House Judiciary Committee

From: The University of Baltimore School of Law Legal Data and Design Clinic

Date: February 9, 2020

Re: HB 580 Driver's Licenses – Suspension for Child Support Arrearages – Repeal
(FAVORABLE-WITH AMENDMENTS)

I. INTRODUCTION

The University of Baltimore School of Law Legal Data and Design Clinic (LDDC) submits the following written testimony in favor of HB 580 with amendments. Though complete repeal of driver's license suspensions for child support arrearages (DLS-CSA) is unnecessary and could risk federal funding, current DLS-CSA practice desperately needs reform. As our analysis shows, current DLS-CSA law exacerbates racial inequality and cycles of poverty.

Our conclusions derive from 2015-2020 DLS-CSA data (disaggregated by race and zip code) provided by the Maryland Department of Transportation (MDOT) and the Office of the Attorney General (OAG). We also incorporated public census data on race and poverty levels in Maryland counties into our analysis. Our major conclusions are:

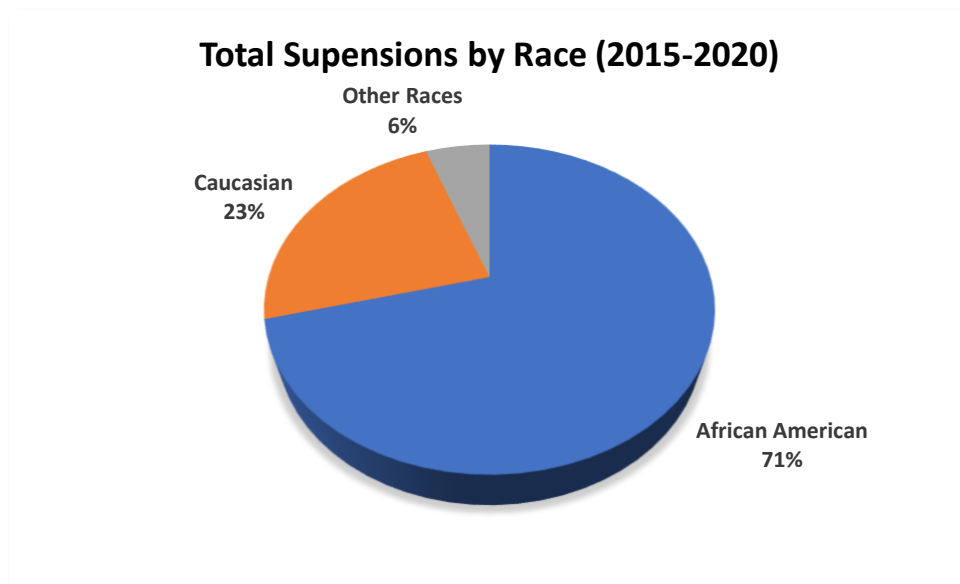
- On average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans per zip code received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in counties that had lower and higher poverty rates than the state of Maryland's poverty average.

II. DISCUSSION

At the outset, it bears emphasis that the fundamental logic of DLS-CSA is flawed. No correlation exists between one's ability to drive competently and one's ability to pay child support. Suspension is thus a punitive measure wholly unrelated to safety on Maryland's roads and highways. Even worse, DLS-CSA actually makes it more difficult for people who owe child support to meet their obligations. This is because many Marylanders drive to work. Taking away the ability to drive thus deprives these Marylanders of the ability to make money. Given the absence of an adequate public transportation infrastructure, DLS-CSA risks contributing to a vicious cycle wherein a person goes deeper and deeper into debt because he has been deprived of a key means to make money to pay back that very debt.

With this context in mind, we turn to the problem of DLS-CSA seen through the lenses of race and poverty.

(a) RACIAL DISPARITIES IN DLS-CSA



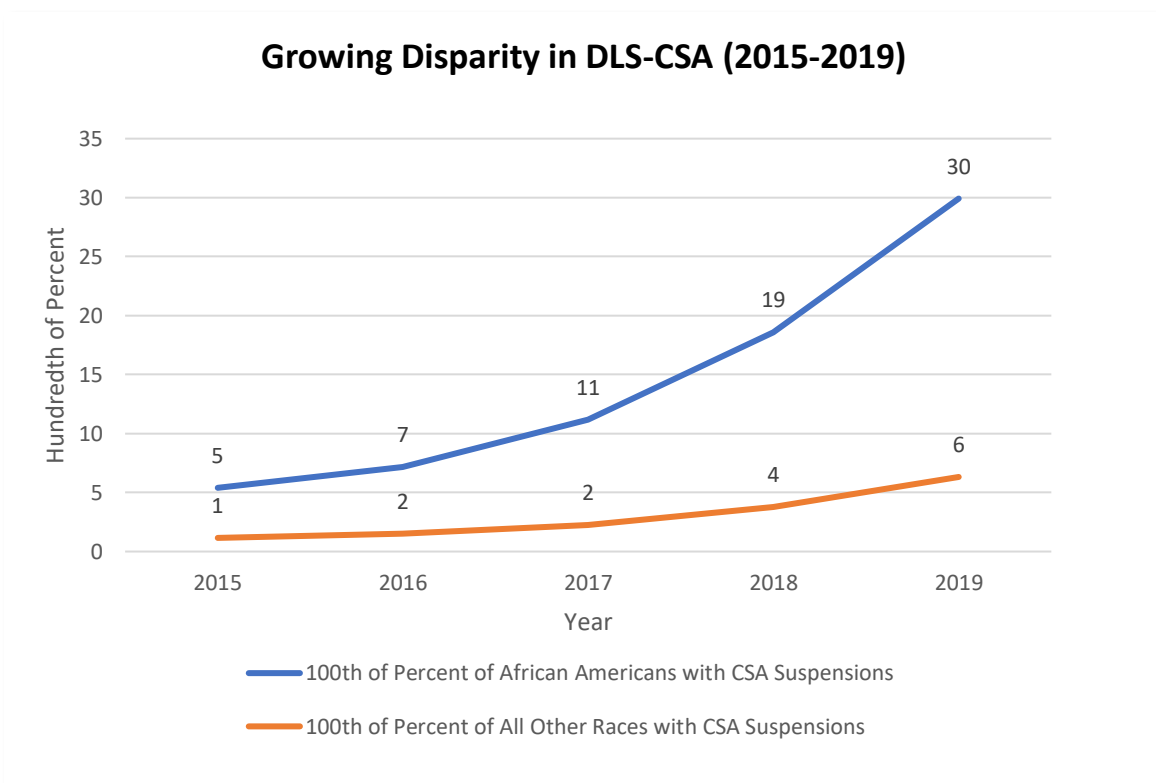
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions from 2015 to 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African Americans than Caucasians suffered DLS-CSA shows the disproportionate impact.

License Suspensions for Child Support Non-Compliance as of 11/10/2020

RACE	Calendar Year						Grand Total
	2015	2016	2017	2018	2019	2020	
AFRICAN AMERICAN	987	1,321	2,073	3,475	5,621	5,465	18,942
CAUCASIAN	374	486	735	1,214	2,068	1,417	6,294
ASIAN	11	9	11	16	33	25	105
AMERICAN INDIAN	6	6	3	22	31	16	84
OTHER	69	113	140	245	384	339	1,290
NULL	1	1	2	3	5	4	16
TOTAL	1,448	1,936	2,964	4,975	8,142	7,266	26,731

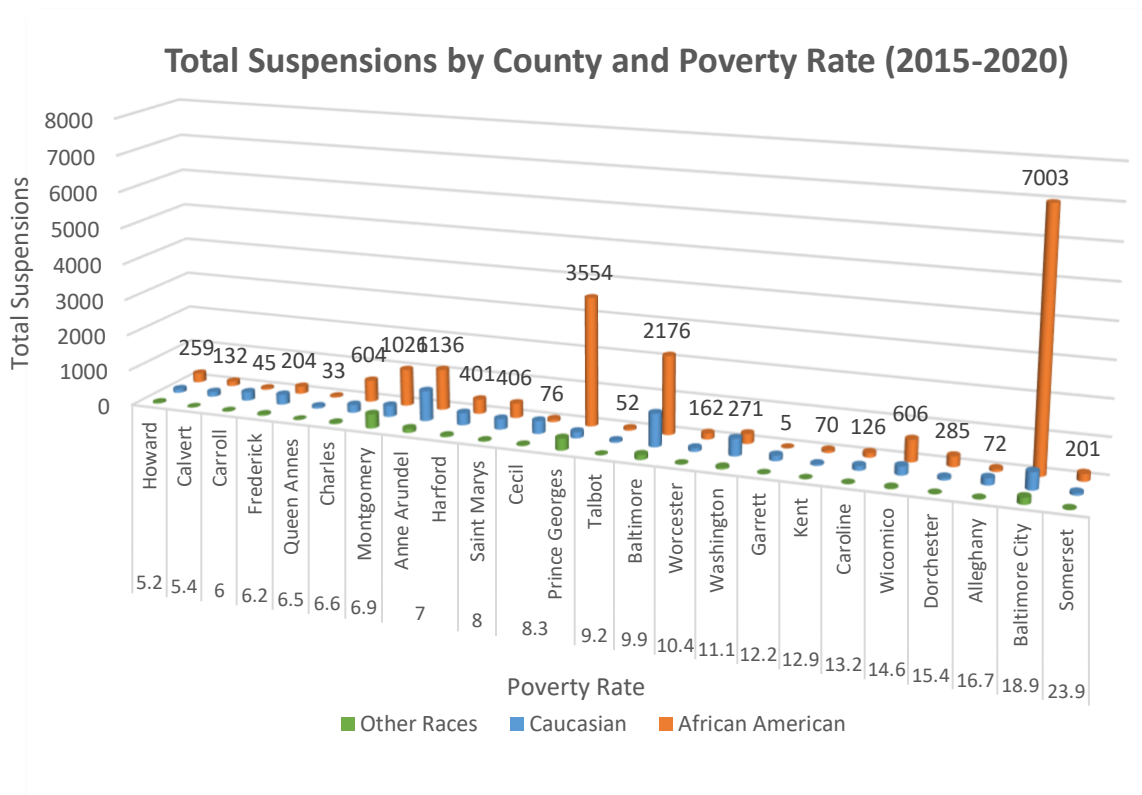
Figure 1 – Maryland Department of Transportation, Office of Data Management

This disparate impact has worsened over time. The chart below shows the percentage of all African Americans versus other races suffering DLS-CSA (Note: the chart show hundredths of one percent). The gap is clearly increasing. The estimated total population of 2020 was unavailable and therefore this analysis is conducted over the period of 2015 to 2019. By 2019, African Americans were 5 times more likely to have a CSA suspension than other races.



(b) POVERTY AND DLS-CSA

Our analysis shows that DLS-CSA disproportionately affects the poorest Marylanders. Using disaggregated zip code data provided by the MDOT, this can be easily visualized. The columns in the graphic below shows the total numbers of suspensions in each county by race. Counties are arranged by poverty rate: the counties with the lowest poverty rates are on the left of the graphic while the counties with the highest rates are on the right.



The picture painted is clear. Citizens of poorer counties suffer more. In 2018, the state of Maryland's poverty rate was 9.1%. Twelve (12) counties experienced poverty at higher levels than the state poverty rate while 11 experienced lower poverty rates. Residents in counties with poverty rates higher than the 9.1% state rate were more likely to experience license suspension. However, African Americans received substantially higher numbers of license suspensions in counties on either side of the state rate. The averages of total suspensions per zip code, across all 23 counties, demonstrate a noticeable difference in license suspensions between African American and Caucasian residents. In counties with higher poverty rates, African Americans received an average of 24.3 license suspensions per zip code, a stark contrast from the average of 5.4 suspensions for Caucasian residents. In counties with lower poverty rates, there was an average of 9.3 suspensions per zip code for African Americans and 3.9 for Caucasians. Overall, on average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.

Average of Total Suspensions per Zip Code by Race and Poverty Level

Poverty Rate (2018)	African American	Caucasian	Other Races
Higher (above state rate)	24.3	5.4	2.0
Lower (below state rate)	9.3	3.9	2.2

III. CONCLUSION

Because DLS-CSA has obvious race and poverty impacts, the LDDC favors HB 580 with amendments. In light of the inequalities exacerbated by current practice, the LDDC recommends the ending automatic suspension of driver's licenses as a CSA penalty.

Sincerely,
 Colin Starger, LDDC Supervising Attorney
 Kenbrielle Ard, LDDC Rule 19 Student Attorney
 Kala Fryman, LDDC Rule 19 Student Attorney
 Zhongyang Shi, LDDC Rule 19 Student Attorney
 Ché Star, LDDC Rule 19 Student Attorney

cc: Members of the House Judiciary Committee

SB0884_FAV_JOTF.docx.pdf

Uploaded by: Christopher Dews

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Senior Policy Advocate

DATE: March 10th, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. JOTF supports Senate Bill 884 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

An Abell Foundation [report](#) found that across Maryland, 50 percent of noncustodial parents in the state child support program caseload were employed in 2017, and 43 percent of these earned minimum wages or less but owe an average of \$10,000 in unpaid arrearages. In Baltimore, 57 percent of noncustodial parents were employed and 47 percent earned the minimum wages or less but owed an average of \$13,300 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility.

[Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. Until [recently](#), driving on a license suspended for child support came with similar penalties. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments. In a recent study, the University of Baltimore also found that:

- On average, African American residents are almost **5 times more** likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in both counties that had lower and higher poverty rates than the state of Maryland's poverty average.

There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears for persons making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. However, Maryland continues the practice of suspending lower-income obligors arguing a need to comply with federal law.

[Federal Code 42 U.S.C.A. § 666 \(a\)](#) demands that all States have laws that “increase the effectiveness of the [child support enforcement] program which the state administers” and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in [“appropriate cases” \(16\)](#). Simply put, if Maryland does not have a suspension program for those who are non-compliant, the state could risk losing access to federal funds.

JOTF believes that driver's license suspensions for workers who make less than \$39k annually cannot be considered “appropriate” or increasing “effectiveness” as it (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties which, in turn, decreases compliance rates. As such, Maryland should pass Senate Bill 884 to repeal driver's license suspensions as a penalty for obligors who make less than \$39k per year (300% FPL).

If Maryland truly wants to stay in compliance with federal statutes regarding child support enforcement, the most effective way to accomplish this would be to ensure that all non-custodial parents have the financial standing to remain in compliance with their obligation. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on Senate Bill 884.

For more information, contact:

Christopher Dews / Senior Policy Advocate / Christopher@jotf.org / 301-412-5399

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Uploaded by: Christopher Dews

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 884/HOUSE BILL 1293:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: Christopher Dews, Senior Policy Advocate

DATE: March 10th, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. JOTF supports Senate Bill 884 / House Bill 1293 as a means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

An Abell Foundation [report](#) found that across Maryland, 50 percent of noncustodial parents in the state child support program caseload were employed in 2017, and 43 percent of these earned minimum wages or less but owe an average of \$10,000 in unpaid arrearages. In Baltimore, 57 percent of noncustodial parents were employed and 47 percent earned the minimum wages or less but owed an average of \$13,300 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility.

[Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. Until [recently](#), driving on a license suspended for child support came with similar penalties. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher

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Advocating better skills, jobs, and incomes

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- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in both counties that had lower and higher poverty rates than the state of Maryland's poverty average.

There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears for persons making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. However, Maryland continues the practice of suspending lower-income obligors arguing a need to comply with federal law.

[Federal Code 42 U.S.C.A. § 666 \(a\)](#) demands that all States have laws that “increase the effectiveness of the [child support enforcement] program which the state administers” and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in [“appropriate cases” \(16\)](#). Simply put, if Maryland does not have a suspension program for those who are non-compliant, the state could risk losing access to federal funds.

JOTF believes that driver's license suspensions for workers who make less than \$39k annually cannot be considered “appropriate” or increasing “effectiveness” as it (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties which, in turn, decreases compliance rates. As such, Maryland should pass SB0884/HB1293 to repeal driver's license suspensions as a penalty for obligors who make less than \$39k per year (300% FPL).

If Maryland truly wants to stay in compliance with federal statutes regarding child support enforcement, the most effective way to accomplish this would be to ensure that all non-custodial parents have the financial standing to remain in compliance with their obligation. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on SB0884/HB1293.

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

The Undersigned Organizations Support SB0884/HB1293

1. Out for Justice
2. America Works
3. Employ Prince George's
4. Maryland Volunteer Lawyers Service
5. 1199SEIU
6. CASH Campaign of Maryland
7. Abeona Sustainable Solutions
8. Kimberly Armstrong
9. Court Watch PG
10. Helping Ourselves to Transform
11. Baltimore Harm Reduction Coalition
12. Maryland Legislative Coalition
13. William Freeman III
14. Policy Foundation Of Maryland
15. America Works of Maryland
16. Justin Orlando Clark

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of District 12. **I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB0884 - 3.10.22 -- Driver's Licenses - Suspension

Uploaded by: Donald Fry

Position: FAV



TESTIMONY PRESENTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

**SENATE BILL 884 – DRIVER'S LICENSES - SUSPENSION FOR CHILD SUPPORT ARREARAGES -
EXCEPTION**

Sponsor – Senators Watson and Smith

March 10, 2022

**DONALD C. FRY
PRESIDENT & CEO
GREATER BALTIMORE COMMITTEE**

Position: Support

The Greater Baltimore Committee (GBC) supports House Bill 1293, which would end Maryland's practice of suspending an individual's driver's license if the licensed driver is delinquent in paying child support and makes less than 300% of the federal poverty level. The current process of suspending an individual's driver's license for child support arrearages makes it difficult for an impacted individual to maintain steady employment and pay child support.

Studies have found a strong correlation between a lack of legal authority to drive and unemployment/underemployment. The lack of a driver's license makes it difficult to find or keep a job. This is true even when a license is not needed to perform the job responsibilities, but is needed to get to the job site. A study of New Jersey drivers found that 42 percent of individuals whose licenses had been suspended lost their jobs within six months after the license suspension, and nearly half were unable to obtain new employment during the period of suspension. Research also shows that suspending driver's licenses for non-driving related violations disproportionately impacts low income and minority drivers.

The American Association of Motor Vehicle Administrators recommended in 2013 that states repeal laws requiring suspensions for non-highway safety-related violations. In addition, in 2016 the U.S. Department of Justice outlined policy guidance related to enforcement of court fines and fees, encouraging state and local courts to "avoid suspending driver's licenses as a debt collection tool," and instead reserve it only for cases that would "increase public safety."

The GBC has long called for modifications to child support enforcement and driver's license suspension to lessen barriers to workforce participation. Allowing individuals who make less than 300% of the federal poverty level to maintain their driver's licenses means that they are more likely to be able to make child support payments. House Bill 1293 differs from previous efforts to end the practice of suspending a driver's license due to delinquency in child support arrearages in that it retains suspensions for those who make more than 300% of the federal poverty level. This distinguishes between individuals who might be struggling to pay child support and individuals who can afford to pay but fail to do so.

The GBC contends that exempting those who make less than 300% of the federal poverty level from driver's license suspensions due to delinquent child support payments is an important part of lessening barriers to workforce participation, ultimately benefitting the parent, child, and the economy at large.

For these reasons, the Greater Baltimore Committee urges a favorable report on Senate Bill 884.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 67-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

GREATER BALTIMORE COMMITTEE

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • www.gbc.org

Final Testimony_CAC_SB 884.pdf

Uploaded by: Eliza McDermott

Position: FAV

TESTIMONY IN SUPPORT OF SB 884:**Driver's Licenses - Suspension for Child Support Arrearages - Exception**

TO: Hon. William C. Smith, Jr., Chair, and members of the Senate Judicial Proceedings Committee

FROM: Eliza R. McDermott, Rule 19 Student Attorney in the University of Baltimore School of Law, Civil Advocacy Clinic, supervised by Professor Daniel L. Hatcher

DATE: March 9, 2022

RE: SB 884 – Support

Dear Chairman Smith and members of the Committee:

Thank you for the opportunity to present testimony in support of SB 884 on behalf of the University of Baltimore School of Law's Civil Advocacy Clinic. I am a UB law student and a Rule 19 Student Attorney in the Clinic, where we represent low-income individuals who could not otherwise afford legal representation. Under the supervision of faculty who are licensed attorneys, my fellow students and I represent clients in cases that touch all areas of poverty law. This bill will be beneficial to our low-income clients, so I am providing this testimony in support.

SB 884 would amend Maryland law so that the Child Support Administration only refers an obligor to the Motor Vehicle Administration for the purpose of suspending their driver's license due to child support arrearages if the individual's income is more than 300% of the federal poverty level.

This bill is needed to reduce harm to low-income children and families. Currently, the Child Support Administration initiates the suspension process against *all* child support obligors as soon as they are behind on their child support. Many of these obligors are low-income and struggling with barriers to employment—and a license suspension often makes matters worse, harming the obligor, the custodial parent, and the children. The current suspension policy:

- makes it even harder for non-custodial parents to work and pay child support
- prevents noncustodial parents from driving their children to school, doctor's appointments, or other needed trips, and
- exacerbates systemic poverty and racial inequality

The current statute has disparate negative impacts on Maryland's Black families. The University of Baltimore School of Law's Legal Data and Design Clinic researched the extent and racial demographics of license suspensions in Maryland. Their research was provided in their

testimony regarding a version of this bill last year, and is attached to this testimony. The LDD Clinic found that:

- Black Americans constituted 31.1% of Maryland’s population in 2019, but were targeted for **71% of license suspensions from 2015 to 2020.**
- In 2019, Black parents in Maryland were **5 times more likely to be subjected to a Child Support Administration suspension** than other races.

In a 2019 Abell Foundation report, Vicki Turetsky, the former Commissioner of the Federal Office of Child Support Enforcement, explained the harm in Baltimore:

[T]he evidence is clear: higher orders and tougher enforcement will not increase collections when the barrier to payment is poverty. It does no good, and in fact, it does harm . . . Unrealistic child support policies and practices entangle poor African American men and their families in poverty and have become a destabilizing force in the Baltimore community.ⁱ

Federal law embraces SB 884. The Maryland Department of Human Services expressed concern with a different version of this bill last year and argued that it contradicted federal law. However, SB 884 is consistent with federal law. Title 42 § 666(a)(16) of the United States Code simply requires that each state “has (and uses in appropriate cases) authority to withhold or suspend” driver’s licenses of individuals with overdue child support payments, and this bill should be construed as consistent with that federal requirement.ⁱⁱ

I therefore submit this testimony in support of SB 884 and respectfully request a favorable report.

ⁱ Vicki Turetsky, “Reforming Child Support to Improve Outcomes for Children and Families,” *The Abell Report*, Vol. 32, No. 5, June 2019, https://abell.org/sites/default/files/files/Abell%20Child%20Support%20Reform%20-%20Full%20Report%2020_2020%20edits%20v1_3.pdf.

ⁱⁱ 42 USCA § 666(a)(16).

MEMORANDUM

To: Hon. Luke Clippinger,
Chair, House Judiciary Committee

From: The University of Baltimore School of Law Legal Data and Design Clinic

Date: February 9, 2020

Re: HB 580 Driver's Licenses – Suspension for Child Support Arrearages – Repeal
(FAVORABLE-WITH AMENDMENTS)

I. INTRODUCTION

The University of Baltimore School of Law Legal Data and Design Clinic (LDDC) submits the following written testimony in favor of HB 580 with amendments. Though complete repeal of driver's license suspensions for child support arrearages (DLS-CSA) is unnecessary and could risk federal funding, current DLS-CSA practice desperately needs reform. As our analysis shows, current DLS-CSA law exacerbates racial inequality and cycles of poverty.

Our conclusions derive from 2015-2020 DLS-CSA data (disaggregated by race and zip code) provided by the Maryland Department of Transportation (MDOT) and the Office of the Attorney General (OAG). We also incorporated public census data on race and poverty levels in Maryland counties into our analysis. Our major conclusions are:

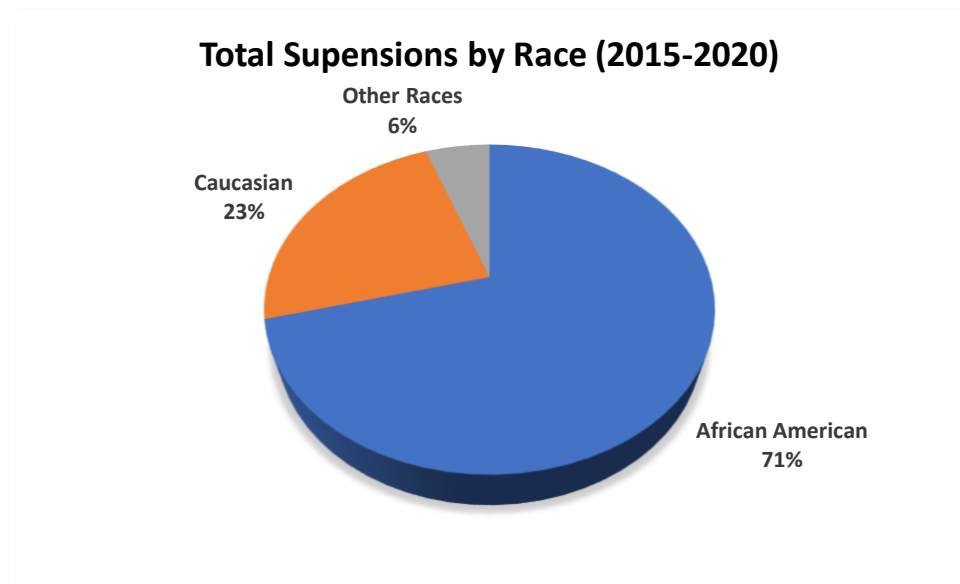
- On average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans per zip code received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in counties that had lower and higher poverty rates than the state of Maryland's poverty average.

II. DISCUSSION

At the outset, it bears emphasis that the fundamental logic of DLS-CSA is flawed. No correlation exists between one's ability to drive competently and one's ability to pay child support. Suspension is thus a punitive measure wholly unrelated to safety on Maryland's roads and highways. Even worse, DLS-CSA actually makes it more difficult for people who owe child support to meet their obligations. This is because many Marylanders drive to work. Taking away the ability to drive thus deprives these Marylanders of the ability to make money. Given the absence of an adequate public transportation infrastructure, DLS-CSA risks contributing to a vicious cycle wherein a person goes deeper and deeper into debt because he has been deprived of a key means to make money to pay back that very debt.

With this context in mind, we turn to the problem of DLS-CSA seen through the lenses of race and poverty.

(a) RACIAL DISPARITIES IN DLS-CSA



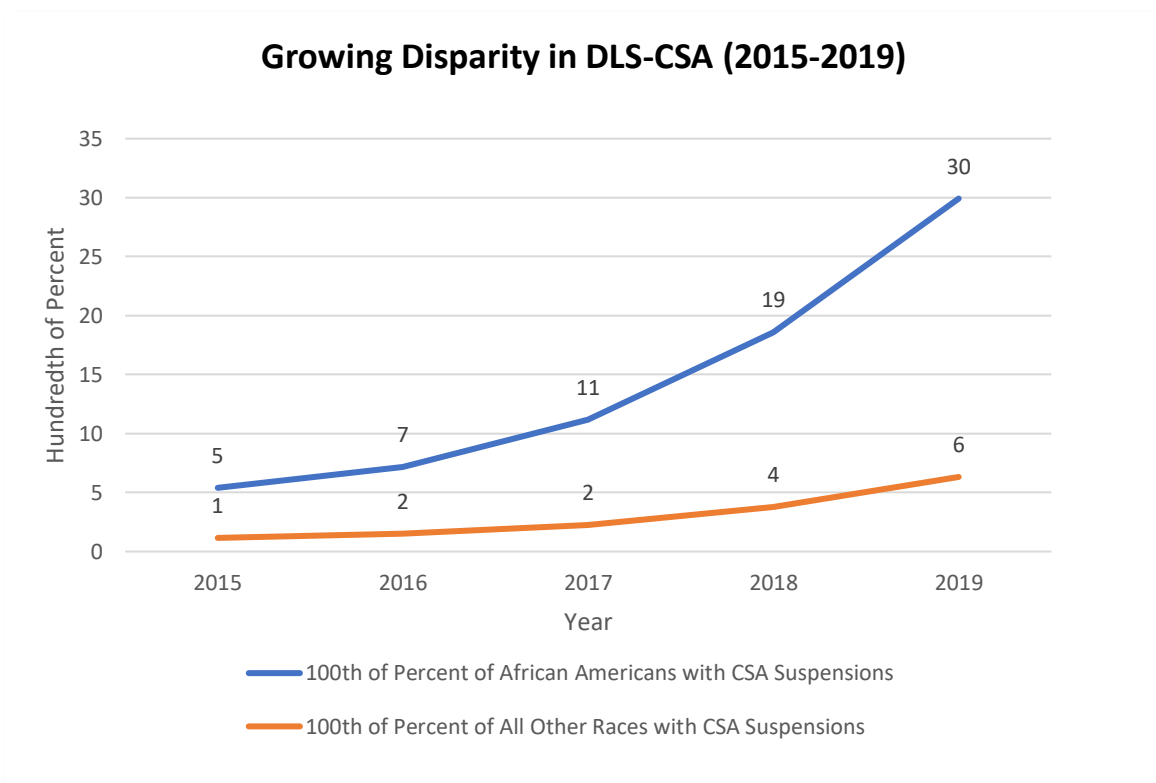
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions from 2015 to 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African Americans than Caucasians suffered DLS-CSA shows the disproportionate impact.

License Suspensions for Child Support Non-Compliance as of 11/10/2020

RACE	Calendar Year						Grand Total
	2015	2016	2017	2018	2019	2020	
AFRICAN AMERICAN	987	1,321	2,073	3,475	5,621	5,465	18,942
CAUCASIAN	374	486	735	1,214	2,068	1,417	6,294
ASIAN	11	9	11	16	33	25	105
AMERICAN INDIAN	6	6	3	22	31	16	84
OTHER	69	113	140	245	384	339	1,290
NULL	1	1	2	3	5	4	16
TOTAL	1,448	1,936	2,964	4,975	8,142	7,266	26,731

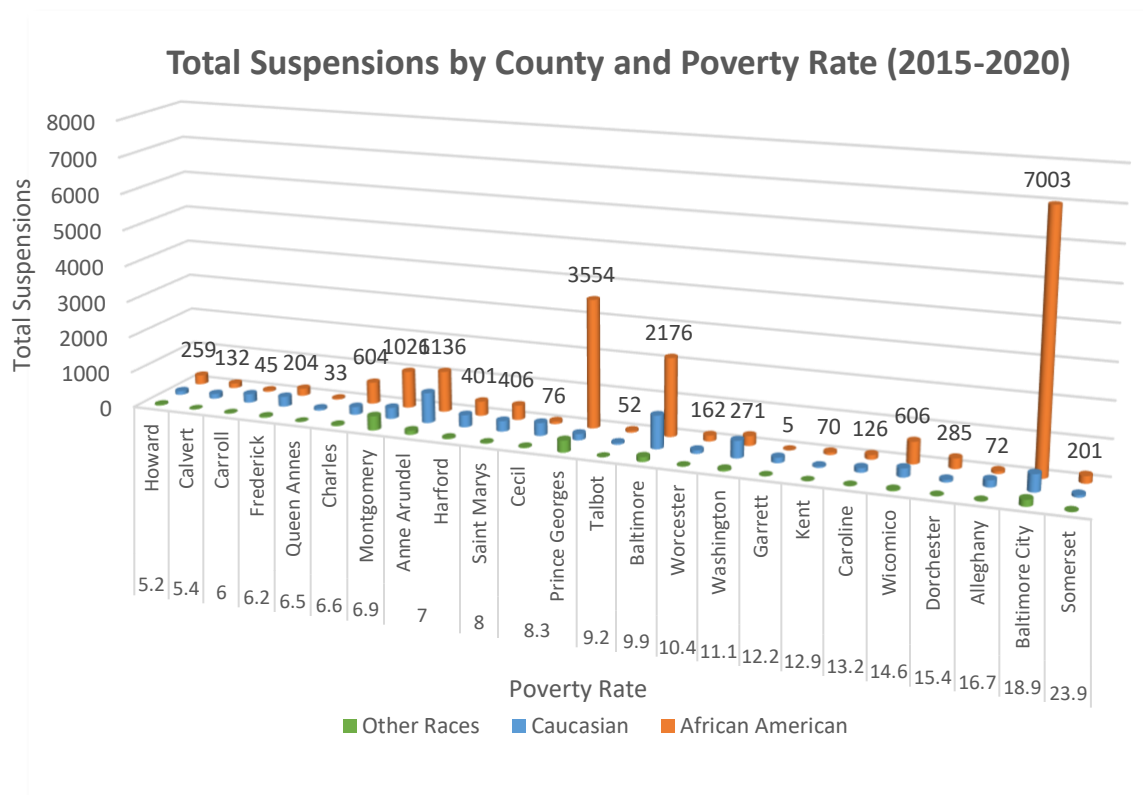
Figure 1 – Maryland Department of Transportation, Office of Data Management

This disparate impact has worsened over time. The chart below shows the percentage of all African Americans versus other races suffering DLS-CSA (Note: the chart show hundredths of one percent). The gap is clearly increasing. The estimated total population of 2020 was unavailable and therefore this analysis is conducted over the period of 2015 to 2019. By 2019, African Americans were 5 times more likely to have a CSA suspension than other races.



(b) POVERTY AND DLS-CSA

Our analysis shows that DLS-CSA disproportionately affects the poorest Marylanders. Using disaggregated zip code data provided by the MDOT, this can be easily visualized. The columns in the graphic below shows the total numbers of suspensions in each county by race. Counties are arranged by poverty rate: the counties with the lowest poverty rates are on the left of the graphic while the counties with the highest rates are on the right.



The picture painted is clear. Citizens of poorer counties suffer more. In 2018, the state of Maryland's poverty rate was 9.1%. Twelve (12) counties experienced poverty at higher levels than the state poverty rate while 11 experienced lower poverty rates. Residents in counties with poverty rates higher than the 9.1% state rate were more likely to experience license suspension. However, African Americans received substantially higher numbers of license suspensions in counties on either side of the state rate. The averages of total suspensions per zip code, across all 23 counties, demonstrate a noticeable difference in license suspensions between African American and Caucasian residents. In counties with higher poverty rates, African Americans received an average of 24.3 license suspensions per zip code, a stark contrast from the average of 5.4 suspensions for Caucasian residents. In counties with lower poverty rates, there was an average of 9.3 suspensions per zip code for African Americans and 3.9 for Caucasians. Overall, on average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.

Average of Total Suspensions per Zip Code by Race and Poverty Level

Poverty Rate (2018)	African American	Caucasian	Other Races
Higher (above state rate)	24.3	5.4	2.0
Lower (below state rate)	9.3	3.9	2.2

III. CONCLUSION

Because DLS-CSA has obvious race and poverty impacts, the LDDC favors HB 580 with amendments. In light of the inequalities exacerbated by current practice, the LDDC recommends the ending automatic suspension of driver's licenses as a CSA penalty.

Sincerely,
 Colin Starger, LDDC Supervising Attorney
 Kenbrielle Ard, LDDC Rule 19 Student Attorney
 Kala Fryman, LDDC Rule 19 Student Attorney
 Zhongyang Shi, LDDC Rule 19 Student Attorney
 Ché Star, LDDC Rule 19 Student Attorney

cc: Members of the House Judiciary Committee

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of District 12. **I am testifying in support of Senate Bill 884.**

This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
Showing Up for Racial Justice Baltimore

SB 884 to JPR - Mar 10 - SUPPORT License Suspens

Uploaded by: Henry Bogdan

Position: FAV

March 10, 2022

Testimony on Senate Bill 884
Driver's License – Suspension for Child Support Arrearages - Exception
Senate Judicial Proceedings Committee

Position: Favorable

Maryland Nonprofits is a statewide association of more than 1400 nonprofit organizations and institutions. We urge you to support Senate Bill 884.

Mobility is key in Maryland's regional economy. Nearly half of Marylanders travel outside of their county for employment and only 9% of jobs in the Baltimore region can be reached within one-hour, one-way by public transit.

A vehicle and a valid driver's license are thus necessary to obtain and sustain employment. When an individual misses two months of child support payments, their driver's license will be suspended regardless of their ability to pay. This directly jeopardizes access to employment for lower-income workers and complicates already tense relationships with families.

Senate Bill 884 makes a limited exception to the suspension rule. The bill will eliminate driver's license suspensions as a penalty for child support obligors with incomes below 300% of the federal poverty line. By doing so it will actually help to facilitate the payment of child support – and the bill is supported by the MD Child Support Administration.

We urge you to give Senate Bill 884 a favorable report.



SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of **46**. **I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,

Lilly Chapa
210 S. Washington Street
Baltimore, Maryland 21231

Lindsay Keipper
2425 Fleet Street
Baltimore, Maryland 21224

Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224

Brian Seel
223 S. Wolfe Street
Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

SB0884_FAV_DecrimMD.docx.pdf

Uploaded by: Iman Freeman

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Iman Freeman - Chair of the People's Commission

DATE: March 10th, 2022

The People's Commission to Decriminalize Maryland was established in 2019 with the purpose of reducing the disparate impact of the justice system on Marylanders who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status. We support Senate Bill 884 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe [at least \\$10,000](#) in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.



Senate Bill 884 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on Senate Bill 884.

SB884_MCRC_FAV (2022) (1).pdf

Uploaded by: Isadora Stern

Position: FAV



Maryland Consumer Rights Coalition

Testimony to the Senate Judicial Proceedings Committee
SB884: Driver's Licenses - Suspension for Child Support Arrearages - Exception
Position: Favorable

March 10, 2022

The Honorable William Smith, Jr., Chair
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB884 as a means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.



Maryland Consumer Rights Coalition

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

SB884 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on SB884.

For these reasons, MCRC supports SB884 and asks for a favorable report.

Respectfully,

Isadora Stern
Policy Associate

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of 40. **I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

2022-03-10 CFUF Testimony - SB884.pdf

Uploaded by: Kate Wolfson

Position: FAV



P 410 367 5691 2201 North Monroe Street
F 410 367 4246 Baltimore, Maryland 21217
www.cfuf.org

TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Joseph T. Jones, Jr., Founder, CEO and President, Center for Urban Families

DATE: March 10, 2022

I am the Founder, CEO, and President of the Center for Urban Families (CFUF) in Baltimore. CFUF's mission is to strengthen urban communities by helping fathers and families achieve stability and economic success. The individuals who complete our programs go on to find stable employment with room for growth. They endeavor to support their children and play a meaningful and positive role in their lives. Yet, the child support system all too frequently acts as a wedge between these parents and their children and makes it difficult to ever regain economic stability or pay off child support debt that accrued while they were incarcerated or unemployed. The ability of the Child Support Administration to suspend an obligor's driver's license for non-payment compounds the problem by limiting or eliminating transportation to the employment needed to make payments. As a result, I am submitting this testimony in support of Senate Bill 884 as a means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus, for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support, an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to one (1) year in jail, a \$1,000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure and retain employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 and 2020. In addition, according to a March

2020 Baltimore Sun article, “At a single point in time, in September 2018, nearly 40,000 people had their driver’s license suspended by Maryland’s child support agency, according to data obtained by The Sun through the public records request. More than a third of those drivers lived in Baltimore.” If a disproportionately higher number of black Marylanders lack access to a valid driver’s license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

Senate Bill 884 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$39,000 annually. There is no evidence that suggests suspending an individual’s driver’s license improves the collection of arrears, in the long run, for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance with making child support payments and engagement with family, where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to the employment needed to pay down arrears. Our state can and should do more to make our child support system one that advances equity and puts the family at the center of its policies rather than worsening disparities. This is an opportunity that can only be granted with your support. For this reason, CFUF humbly requests a favorable report for Senate Bill 884.

Contact: Joseph T. Jones, Jr.
jjones@cfuf.org
Office: (410) 246-1292
Mobile: (443) 865-0265

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of **District 12. I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

10651 Gramercy Pl

Columbia MD 21044

Showing Up for Racial Justice Baltimore

SB0884_FAV_KeenaMoodie.docx.pdf

Uploaded by: Keena Moodie

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Keena Moodie

DATE: March 10th, 2022

My child's father has a job that requires him to drive all day. Suspending his license would impact his ability to help me care for our children. As a family of color, it is extremely important to ensure that fathers are able to be in their children's lives. Suspending driver's licenses does not help it only causes further issues. I urge a favorable vote on SB884

Badeker SB 884 - Repeal Driver's License Suspensio

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of District 8 and an employee of Out For Justice, and I **am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,

Melissa Badeker
3020 Linwood Avenue, Parkville 21234
Showing Up for Racial Justice Baltimore and Out For Justice

SB0884-JPR-FAV.pdf

Uploaded by: Natasha Mehu

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 884

March 10, 2022

TO: Members of the Senate Judicial Proceedings Committee
FROM: Natasha Mehu, Director, Office of Government Relations
RE: Senate Bill 884 – Driver's Licenses - Suspension for Child Support Arrearages - Exception
POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 884.

SB 884 repeals the current practice of suspending driver's licenses after missing two months of child support payments for those making less than \$39,000 annually.

According to the 2019 Abell Foundation report *Reforming Child Support to Improve Outcomes for Children and Families*, “Noncustodial parents with the lowest incomes and most barriers to employment are often expected to pay an impossibly large share of their income toward child support. If child support orders are set beyond the ability of parents to pay them, compliance falls off and debt builds. When parents fall behind, poorly targeted and overly aggressive enforcement can make it even harder for them to stay employed and keep up with their support payments. Noncustodial parents who cannot keep up sometimes turn to work ‘under the table’ or even engage in illegal activities to support their children and themselves.”

The current policy of suspending driver’s licenses for low-income parents does not help children and has negative public safety consequences. Until Baltimore City and Maryland have a more robust public transit system that can connect job seekers with employment opportunities, suspending driver’s licenses is counter-productive.

As the Abell report explains, “Enforcement mechanisms alone are not effective in increasing collections from low-income parents. In fact, overly aggressive enforcement efforts, particularly driver’s license suspensions, can make matters worse, by interfering with work and family responsibilities. A driver’s license suspension can set up a vicious cycle, making it harder to pay child support than before the suspension.”

We respectfully request a **favorable** report on SB 884.

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785
Baltimore – phone: 410.396.3497 • fax: 410.396.5136
<https://mogr.baltimorecity.gov/>*

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of **District 45. I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,
Rebecca Shillenn
5401 Elsrode Avenue Baltimore MD 21214
Showing Up for Racial Justice Baltimore

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of District 41 in Baltimore City. **I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

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We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,

Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

SB0884-Fav Testimony POLICY FOUNDATION OF MARYLAND

Uploaded by: Sarahia Benn

Position: FAV



Policy Foundation of Maryland

Committee: Judicial Proceedings

Testimony on: SB0884 - [Driver's Licenses - Suspension for Child Support Arrearages - Exception](#)

SPONSOR: Sen Watson, Sen Smith

Organization: Policy Foundation of Maryland, MD Legislative Coalition

Person Submitting: Sarahia Benn (Executive Dir.)

Position: Favorable

Hearing Date: March 10, 2022

Mr. Chairman and Members of the Committee,

Thank you for allowing testimony today in support of SB0884. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts Black, Brown, marginalized, low income communities and veterans affairs. Judicial legislation is of massive importance to these communities particularly due to how impacted these communities have been historically and currently. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

SB0884's purpose is to bring equity into the child support Administration system. This bill establishes an exception when a family income is not greater than 300% of the federal poverty level. Maryland's child support system calculates based on gross projected amounts (may or may not be actual) that can cause burdens to those who are already marginalized. 71% of the roughly 27,000 license suspensions between 2015 - 2020 are Black Marylanders who represent 30% of the population. That means that families, large sectors of communities are being disproportionately negatively impacted by having their license suspended.

Why is it important to have a driver's license in Maryland?

- 50% of Marylanders travel outside of their county for employment according to the Census Bureau
- Maryland's regional economy is based around having mobility because there is a lack of adequate public transit
- 9% of jobs in the Baltimore region can be reached within one hour, one way by public transit
- Southern Harford County it takes approximately an hour to get from Edgewood, MD to Harford Community College or Bel Air for employment or college on Link bus system
- Southern Harford there is no public transit to any of the big business facilities for work which means expensive cab & other ride services must be utilized if you are unlicensed or don't have vehicle
- Lack of public transit access for rural to suburban to urban so lower-income communities where there is scarcity of jobs are wholly dependent on sustaining a valid driver's license and vehicle.

Maryland's commute on average per County is relatively high and is approximately a [half hour or more in each county](#). If you want economic sustainability in Maryland it is simple and clear you must have both a valid driver's license and a vehicle otherwise be destitute.

In many households, the hard reality is there is just not enough money to go around. The Highest cause for nonpayment of child support is unstable employment, low earnings, and a lack of having year-round employment. In the current covid pandemic, circumstances clearly have become even more unstable in the economy for the most vulnerable in Maryland. An Abell foundation study found that 90 percent of those noncustodial parents who made no payment and 60 percent making partial payment were incarcerated or did not have year-round employment.

Across Maryland, 50 percent of noncustodial parents in the state child support program caseload were employed in 2017, and 43 percent of these earned minimum wages or less. Some marginalized Marylanders may never be able to pay down child support debts. Then add the lack of mobility to this equation and it may be contributing to a "no way out" or "nothing to lose" set of scenarios for those who are being crushed by these circumstances.

In sum, there is no evidence that suspending driver's licenses improves the collection of child support arrearages for persons making less than 300% of the Federal Poverty level (FPL) or \$39k. The reasoning for many of these burdensome laws has been that Maryland must comply with federal statutes; however in regards to child support enforcement, the best way would be to ensure that all non-custodial parents have the financial standing and ability to comply with the orders they have been obligated to. The reality is eliminating access to employment runs counter to the goal and crushes vulnerable non-custodial parents ability to comply which ensures that the Child Support Enforcement Agency will not be able to collect and in many cases the parents either end up deeper in debt and/or being incarcerated for the very thing they are supposed to be responsible for, leaving these vulnerable communities in a vicious cycle of debt and destroying entire communities at the same time through family separation.

For these reasons, I urge an **FAVORABLE REPORT** on SB0884.

Respectfully submitted,



Sarahia Benn
(Policy Foundation of Maryland, Maryland Legislative Coalition)

(Dedicated to Women's History month)

"I raise up my voice - not so I can shout but so that those without a voice can be heard ... We cannot succeed when half us are held back." —[Malala Yousafzai](#)

SB 884 Testimony.pdf

Uploaded by: Stacy Bensky

Position: FAV



**STATEWIDE
ADVOCACY SUPPORT UNIT**

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March 9, 2022

Senator William C. Smith
Chairman, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

**Re: Maryland Legal Aid's Testimony in Support of Senate Bill 0884
Driver's Licenses – Suspension for Child Support Arrearages –
Exception**

Dear Chairman Smith and committee members:

Thank you for the opportunity to testify in support of Senate Bill 0884, legislation that would limit the Child Support Enforcement Agency's authority to suspend driver's licenses for child support arrears. This letter serves as notice that Stacy Bensky, Esq. will testify in support of SB 0884 on behalf of Maryland Legal Aid at the request of Senator Watson.

Maryland Legal Aid (MLA) is a private, nonprofit law firm that provides free legal services to low-income Maryland residents in many civil matters, including family law. MLA's representation of non-custodial parents, or obligors, who have been ordered to pay child support through the Maryland Child Support Enforcement Agency (the "Agency"), has revealed significant inequities in the automated driver's license suspension system. This system criminalizes poverty and disproportionately affects indigent obligors.

The Agency's authority to suspend driver's licenses for child support arrears comes from 42 USC 666(a)(16), which requires each state to "have in effect laws requiring" the use of certain procedures "to increase the effectiveness of the program." The procedures outlined include everything from genetic testing and establishing paternity to the obligation of the state agencies to review and, if appropriate, adjust support orders every three years, to tax intercepts and income withholding orders, to the authority to withhold or suspend certain licenses.

42 USC 666(a)(16) requires that states must have the authority to suspend or restrict driver's licenses, professional/occupational licenses, and recreational/sporting licenses in appropriate cases. The states are not required to use automated procedures for these license suspensions, and the Agency does not

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04.2021



use automated procedures for professional/occupational or recreational/sporting licenses, but it does use an automated system to suspend driver's licenses.

In compliance with federal law, Maryland law permits the Agency to suspend an obligor's driver's license if the obligor's child support payments are 60 days or more out of compliance. Notably, current Maryland law says explicitly that the Agency may suspend, not that it must. Despite this, the Agency uses an automated lottery system where every obligor with 60 days or more of arrears is automatically in a randomized pool of people who can potentially be selected for license suspension each month.

On its face, the law has already enumerated exceptions that limit the Agency's authority to suspend driver's licenses. For example, it bars the Agency from suspending an obligor's driver's license if the suspension would impede current or potential employment, if the obligor has a documented disability resulting in a verified inability to work, or if the obligor is paying on their arrearage balance per a payment agreement.

In reality, the automated driver's license suspension system is completely unfettered and operates as if the exceptions enumerated above do not exist in the statute. The automated system does not have any mechanism that removes obligors who fit into an enumerated exception from the pool of people who can be randomly selected each month for license suspension. These violations of the statute are particularly egregious for MLA clients with disabilities, as most disabled obligors only accrued arrears because of a disability-connected inability to work. Moreover, many MLA clients' arrears have accrued for years while they attempted to obtain child support modifications pro se, due to difficulties navigating the court process.

MLA routinely assists clients with driver's license reinstatement if they fit into an already enumerated exception in the law. Reinstatement, however, is merely a temporary solution. If the obligor still has an arrearage balance of 60 days or more, they are still in the pool of people who can be selected for license suspension each month and often will receive another license suspension notice a few months later. The automated system's gross lack of due process disproportionately affects low-income and/or disabled MLA clients. Clients living in poverty often have unstable housing and no stable mailing address. Thus, obligors are not notified effectively that their license will be suspended. When these clients discover the issue during a routine traffic stop, they receive a criminal citation for driving on a suspended license. A "driving on a suspended" conviction has devastating consequences, particularly in terms of barriers to employment, as it could potentially lock in previous charges that otherwise would have been expungable.

License suspensions only work as an enforcement action for those with higher incomes who can pay, and the child support agency would still very much have the authority to suspend driver's licenses in those appropriate cases – just as they have the authority to suspend professional/occupational and recreational/sporting licenses in appropriate cases. Not having a driver's license is a massive barrier to employment and makes it harder for obligors to be involved in their children's lives. Suspending driver's licenses of low-income obligors does not increase the program's effectiveness (to increase financial stability for children and families) – as

is required under the controlling federal statute. If implemented correctly, this law will have long-term positive impacts on low-income communities across Maryland. MLA thanks you for the opportunity to provide input and urges the committee to give SB 0884 a favorable report.



Stacy Bensky, Esq.
Staff Attorney, Maryland Legal Aid
410-951-7755 (Office Phone)
sbensky@mdlalab.org

SB 884 - Repeal Driver's License Suspensions for L

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with Out for Justice and the Job Opportunities Task Force (JOTF). I am a resident of District 10. **I am testifying in support of Senate Bill 884.**



This bill would end the practice of suspending driver's license for non-payment of child support for obligor's with income that is 300% of the federal poverty level or less. Currently, a driver's license can be suspended after two months of missed child support payments. In our regional economy where almost half of workers drive to jobs in another county, a license suspension can make it impossible for the non-custodial parent to access and keep a job. *Without a job, a non-custodial parent won't have the earnings to actually pay child support.* This can also negatively impact business owners who are already having difficulty finding employees. A license suspension can make it impossible for the non-custodial parent to visit their child, attend school events, or take their child to appointments. License suspensions reduce the amount of financial and emotional support that the non-custodial parent can provide.

Because driving is critical for many low-income workers, some non-custodial parents may continue to drive with a suspended license. This can lead to fines and penalties, which the non-custodial parent may be unable to pay. A driver's license suspension can spiral from unpaid fines to time in jail. It is yet another example of a system that criminalizes poverty.

An in-depth investigation by the Baltimore Sun in 2020 found child support non-payment penalties had a wide-ranging and damaging impact, especially on the poorest neighborhoods. Subsequently, the [Baltimore Sun Editorial Board](#) commented "And by all means: Leave licenses — professional and drivers' — alone. Nothing shows the folly of the system more, or proves the point that punishment has taken on too big a role, than targeting a parent's income earning potential. It's a child support system; supporting children should be the No. 1 goal."

We want Maryland children to grow up with financial and emotional support from caring adults. Punishing low-income workers with driver's license suspension creates yet another burden to maintaining a job and making child support payments. I am encouraging you to **vote in support of SB 884.**

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown MD 21136
Showing Up for Racial Justice Baltimore

SB884_Fav_Wanda Dale.pdf

Uploaded by: Wanda Dale

Position: FAV



OUT FOR JUSTICE

TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: **Wanda D. Dale**

DATE: March 10th, 2022

Out for Justice

I, Wanda D. Dale, member of Out for Justice, support Senate Bill 884 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

As a female, the hardship of not having a license has impacted the way I am able to provide for myself. I've had job offers that were a distance from public transportation, but I was not able to even get to the interview because there was no access point beyond what was provided by the state of Maryland. I've missed out on countless opportunities to provide for myself, and my license being suspended was the direct cause. I say all this to say that, as a female who has an advanced degree, not having a license has adversely affected me by tying my hands to self-sufficiency.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are



OUT FOR JUSTICE

blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

Senate Bill 884 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$39k annually. There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way that the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears.

For these reasons and more, I urge a favorable report on Senate Bill 884.

Thank you for giving me the opportunity to share my lived experience.

Truly,

Wanda D. Dale, M.S.

SB884_FAV_WandaDale.docx.pdf

Uploaded by: Wanda Dale

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 884:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Wanda D. Dale

DATE: March 10th, 2022

Out for Justice

I Wanda D. Dale support Senate Bill 884 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors. I, as a single female experiencing the hardship of not having a license, have impacted the way I am able to provide for myself. I've had job offers that are a distance from public transportation, but I was not able to even get to the interview.

There was no access point beyond what was provided by the state of Maryland. I've missed out on countless lucrative opportunities to provide for myself, and my license being suspended was the direct cause. I say all this to say that, as a female who has an advanced degree, not having a valid license has adversely affected me by tying my hands to self-sufficiency. Thank you for giving me the opportunity to share my lived experience....

Truly,

Wanda D. Dale, M.S.

SB 884 - FWA - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: FWA

BILL NO: Senate Bill 884
TITLE: Driver's Licenses – Suspension for Child Support Arrearages – Exception
COMMITTEE: Judicial Proceedings
HEARING DATE: March 10, 2022
POSITION: **FAVORABLE WITH AMENDMENT**

Senate Bill 884 would disallow the Child Support Agency from suspending a driver's license to enforce court ordered child support if the payor earns less than 300% of the Federal Poverty Level. The Women's Law Center understands that it is sometime counter-intuitive to deprive someone who owes money, in this case arrearages on child support, from the means to get to and from a job. In the appropriate circumstances it may be better to not suspend the license. SB 884 is a reasonable effort to balance the interests, but we have one concern.

The Child Support Agency (Agency) has the most robust ability to enforce a court orders to pay child support, but it is limited. Suspension of a driver's license is one of the mechanisms they can use. SB 884 would create an exception to the Agency's enforcement mechanism of suspending an obligor's driver's license, depriving them of the ability to suspend a license of anyone who earns less than 300% of Federal Poverty level. There would be no discretion. We do not have the expertise to opine on whether tying this exception to the federal poverty level is better than tying it to a state barometer of some sort, and leave that to the policy makers. We also wonder how this works as it relates to number of family members. The income number changes depending on that fact.

However, we do have a concern that obligors may impoverish themselves, in order to lower their income to whatever level is set, for this exception to kick in. We suggest an amendment to provide that an obligor must be determined not to have voluntarily impoverished themselves before the Agency be completely deprived of this enforcement mechanism. We do not want single parents (more often women) of children left without financial resources they are due to help raise the child or children, if the obligor could actually be earning a greater amount of money and paying, but has chosen not to do so.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 884 with amendment.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It operates the statewide Family Law Hotline, serving thousands self-represented litigants a year on that line with information and referral.

SB 884 - Driver's Licenses - Suspension for Child

Uploaded by: Lindsay Parvis

Position: FWA

To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Rebecca A. Fleming, Esquire

Date: March 10, 2022

Subject: **Senate Bill 884:**
Driver’s Licenses – Suspension for Child Support Arrearages – Exception

Position: **SUPPORT with an amendment**

The Maryland State Bar Association (MSBA) FJLSC **supports Senate Bill 884 – Driver’s Licenses – Suspension for Child Support Arrearages – Exception, with an amendment**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise.

Currently, Maryland Law Family Law Article § 10-119 provides for the suspension or the restriction of a person’s driver’s license if that person owes child support arrears and the child support obligation is subject to enforcement through the Office of Child Support Enforcement. The current law provides for suspension, the issuance of a work-restricted license, or work restricted privilege to drive. It also requires that the obligor shall receive written notice of the intended suspension, and provides the obligor with an opportunity to request an investigation prior to the suspension. The obligor may submit an objection on the basis of an inaccuracy in the stated arrearage. He or she may also oppose the suspension based upon the impact the suspension would have on his or her ability to obtain or maintain employment, or based upon an undue hardship that would be placed on him or her.

In addition, Maryland Law Family Law Article § 12-201 includes in its definition of income for the determination of child support “potential income of a parent, if the parent is voluntarily impoverished.” Voluntary impoverishment is found when a parent has made the free and conscious choice, not compelled by factors beyond his or her control, to render himself or herself without

adequate resources, whether or not the intent was to avoid paying child support. This has been well settled law for decades.

The FJLSC believes the proposed exception to Family Law Article § 10-119 would permit someone who has been judicially determined to be voluntarily impoverished to avoid meaningful enforcement. If the proposed language passes, an obligor parent would only need to reduce his or her income to the requisite threshold to avoid enforcement, even if a judge has found that obligor to be voluntarily impoverished.

The Child Support Enforcement Administration has very few tools by which it can enforce child support orders. The ability to suspend the license of an obligor who is not paying anything in support of their child or children, is one of the only enforcement tools that is available. The difficulties in enforcing child support orders is felt throughout the state, in every jurisdiction. Court orders are routinely ignored by obligors, leaving single parents shouldering the burden on their own, and leaving children without the support that they are entitled to.

The FJLSC is aware of the legislative goals involved with regards to the proposed exception, and this committee supports those goals, however, we want to ensure that the well settled law regarding voluntary impoverishment will not be impacted by the passage of this bill. We want to avoid an unintended consequence that would permit obligors to intentionally reduce their income to avoid one of the few enforcement mechanisms available to obliges who are attempting to collect support from someone who can pay, but chooses not to.

Obligor who *can* pay their support must know that there is a consequence for their failure to do so. The bill, as written, would allow obligors to avoid enforcement if they ensure that their income remains below a certain level. We regularly argue to judges that an obligor is voluntarily impoverished, both in an attempt to enforce orders and when we are establishing child support orders. We are hopeful that this committee will be amenable to modifying the bill to add language that would state that the proposed exception would not apply to an obligor who has been judicially determined to be voluntarily impoverished. While we share the concerns about the enforcement of child support orders, we would like to ensure they are enforced appropriately in a way that is fair to everyone – both the citizens who are paying child support, and the citizens who are collecting child support.

In an effort to ensure that children receive the support that they are entitled to, and to prevent an unintended consequence which prevents enforcement against someone who is judicially determined to be voluntarily impoverished, the FJLSC urges the Senate Judicial Proceedings Committee to issue an favorable report on SB884 with an amendment that would state that the proposed exception would not apply to an obligor who has been judicially determined to be voluntarily impoverished.

Should you have any questions, please contact Rebecca A. Fleming, Esquire by e-mail at rfleming@tnsfamilylaw.com or by telephone at (410) 339-4100 or Lindsay Parvis at lparvis@jgllaw.com or 240-399-7900.

SB 884 Senator Watson FWA.pdf

Uploaded by: Ron Watson

Position: FWA

RON WATSON, PH.D
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Judicial Proceedings Committee



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The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

March 10, 2022

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

Thank you for the opportunity to present this legislation before you today.

SB 884 is a bill that makes an exception to the driver's license suspension statute for child support obligors making less than 300% of the Federal Poverty Level. Mobility is key in Maryland's regional economy. The Census Bureau reported in 2019 that almost 50% of Marylanders travel outside of their county for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. For example, only 9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit. Moreover, many employers in these communities won't hire individuals without a valid license as driving is central to the position (construction, UBER, Grubhub, door-to-door sales).

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility.

Federal Code 42 U.S.C.A. § 666 (a) demands that all states have laws that "increase the effectiveness of the [child support enforcement] program which the state administers" and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in "appropriate cases" (16). However, our current suspension practices may have already left us out of compliance since we are effectively preventing lower-income obligors from the employment needed to pay their obligation.

As such, Maryland should pass Senate Bill 884 to repeal driver's license suspensions as a penalty for obligors who make less than \$39k per year (300% FPL). License suspensions for workers at that income level cannot be considered "appropriate" or increasing "effectiveness" as it: (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties which, in turn, decreases compliance rates.

With me are additional panelists that will speak to this issue further and field any additional questions that you may have. **For these reasons, I respectfully urge a favorable committee report with the accompanying amendment on SB 884**

Sincerely,

A handwritten signature in blue ink that reads "Ron G. Watson".

Senator Ron Watson

Legislative District 23

SB0884-633624-01.pdf

Uploaded by: Ron Watson

Position: FWA



SB0884/633624/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

07 MAR 22
15:58:37

BY: Senator Watson
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 884
(First Reading File Bill)

On page 2, in line 7, after “(b)” insert “(1)”; in the same line, after “**WHOSE**” insert “INDIVIDUAL”; and after line 8, insert:

“(2) TO DETERMINE THE INCOME OF AN OBLIGOR FOR THE PURPOSES OF THIS SECTION, THE ADMINISTRATION MAY CONSIDER:

(I) THE INCOME OF AN OBLIGOR AT THE TIME A CHILD SUPPORT ORDER IS ENTERED;

(II) INCOME INFORMATION PROVIDED BY THE OBLIGOR;

(III) INCOME INFORMATION PROVIDED BY THE COMPTROLLER; AND

(IV) INCOME INFORMATION PROVIDED BY AN EMPLOYER OF THE OBLIGOR.”.

On page 4, in line 17, after “Transportation” insert “, THE COMPTROLLER,”.

On page 5, in line 12, strike “2022” and substitute “2023”.

SB884_DHS_LOI.pdf

Uploaded by: Rachel Sledge

Position: INFO

Date: March 10, 2022

Bill number: SB 884

Committee: Judicial Proceedings

Bill title: **Driver's Licenses - Suspension For Child Support Arrearages - Exception**

DHS Position: **Letter of Concern**

The Department of Human Services (the Department) respectfully submits this letter of information regarding Senate Bill 884 (SB 884). Senate Bill 884 makes a certain exception to the authority of the Child Support Administration (CSA) to notify the Motor Vehicle Administration of an individual's child support arrearages for the purpose of suspending the individual's driver's license or privilege to drive if the obligor's family income is not greater than 300% of the federal poverty level.

DHS is committed to working with Non-Custodial Parents (NCPs), by providing essential support and assistance to these parents. Noncustodial Parent Employment Programs are available throughout the state to provide job training and arrears forgiveness based upon successful completion of participation requirements. For example, CSA's Noncustodial Parent Employment Program in Baltimore City (Step Up!) 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.

Passage of SB 884 will have an impact on the custodial parents and children served by the Department and CSA. Nearly ten percent of child support collections each year in Maryland are the result of noncustodial parents who owe arrears being referred to the Driver's License Suspension (DLS) program. On average the program collects over \$50 million annually. In Federal Fiscal Year (FFY) 2020, over \$43 million was collected for children through referrals to the program. During the COVID-19 Pandemic the Child Support Administration temporarily paused the suspension of drivers' licenses where feasible to assist noncustodial parents.

It should be noted that this bill will affect payments on arrears and total collections which are federal performance measures that directly affect Maryland's receipt of federal incentive funds. The bill will also reduce the percentage of cases paying on arrears, which is also a federally mandated performance measure. Reduction in the performance measure will reduce the potential federal incentive money the State receives. It is impossible to speculate how much of a decrease would result due to the decline of cases paying on arrears because we are unable to differentiate between cases paying as a result of a DLS referral and those paying arrears either voluntarily or as a result of some other enforcement tool. We can only reiterate that the DLS program remains one of CSA's most successful enforcement tools.

The passage of this bill as currently written would have a fiscal impact, as CSA's automated system would require a modification in order to identify child support obligors with arrears whose income was at or below 300% of the federal poverty level (FPL). Presently, CSA's automated system does not include income data for parents nor does it have a mechanism to identify which parents may be at or below the federal poverty



level. If a source cannot be identified, it would require a manual process and necessitate a manual review of every child support case in the CSA caseload; an initial decision would need to be made as to their exclusion from the DLS process, and then a notice of their right to appeal that decision to the Office of Administrative Hearings (OAH). In FFY 2020 there were over 217,000 active child support cases in the CSA IV-D caseload. This manual process would require additional PINS as outlined below in the Fiscal Impact Section. However, amendments offered by the sponsors would alleviate many of these issues.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations.

