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February 7, 2024

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Affairs, Legislative Affairs, Office of the Attorney General

RE: SB174 Child Support - Suspension of Driver's Licenses – **Letter of Information**

The Office of the Attorney General (OAG) offers this letter of information on Senate Bill 174 – Child Support – Suspension of Driver's Licenses. Senate Bill 174 provides that before the Child Support Administration notifies the Maryland Vehicle Administration of an obligor in arrears, a circuit court hearing must be established to determine if the suspension is appropriate.

The OAG recognizes that due to Maryland's regional economy, which results in a significant number of individuals traveling outside of their county of residence of employment, having a valid driver's license is key to economic success. However, the OAG's concern with Senate Bill 174 is the potential loss of federal funding for the State. As a condition for receiving federal funds, federal law requires states to have effective procedures for suspending or restricting delinquent obligors' driver's licenses. See 42 U.S.C. §§ 654(20), 666(a)(16). By creating such lofty barriers for driver's license suspensions (i.e., by requiring CSA to prove by clear and convincing evidence that an obligor has the funds to pay the entire arrearage balance, but is choosing not to, or by prohibiting a license suspension if it would impede visitation of a child, which could potentially apply to every child support obligor), the federal Office of Child Support Services may conclude that Maryland is out of compliance with federal law, and thus ineligible

to receive TANF funding. This conclusion may lead to the loss of federal funding for the TANF/TCA program, which provides millions of dollars in financial assistance to approximately 40,000 Marylanders per month in an effort to help them achieve economic self-sufficiency.

The OAG asks the Judicial Proceedings committee to take the above concerns into consideration while deliberating Senate Bill 174.

cc: Committee Members