

SB0174_HB0311_FAV_RasheithRembert.pdf

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Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

TO: Members of the Senate Judicial Proceedings and House Judiciary Committees

FROM: Rasheith Rembert

My name is Rasheith Rembert, and I reside in District 40. I support Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

I am an Army Veteran, and for the last three years, I have been working at the Social Security Agency and as armed security, both for which I need my license.

I have three children and am currently on child support for all of them. My wages were garnished at a maximum of 65% of my check every two weeks. As difficult as this was, my children needed to be supported, so I ate the cost despite severe disagreements with the children's mothers.

The issue is that I had a heart attack on the job months ago and have not been cleared to return to my position. Despite explaining this to the child support administration, they suspended my license anyway. Only through working with the Center for Urban Families was I able to recover my license, but this is something that no one should have to go through.

I support this bill because it is a common-sense way to ensure I can still work and take care of my kids. Please pass this bill.

SB0174_FAV_AntoineGaines (2).pdf

Uploaded by: Antoine Gaines

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Antoine Gaines

My name is Antoine Gaines, and I reside in District 44B. I support Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are only used in appropriate cases, not when it will harm families or cause parents to lose their jobs

On May 5th, 2007, I married my now ex-wife and, within two years, gave birth to two beautiful daughters. With her child from a previous relationship, we were a solid family of five until my work situation became fractious. I assumed everything would work out, but I was dead wrong. I discovered that she was cheating on me, and this ruined us. In June 2009, she filed for child support against me even though we were still living together. Seven days after she filed, when we were in court, we received joint physical and legal custody of our children. In November, I received notice that I had to pay child support, which has been that way ever since. From there, our relationship continued to destabilize.

We divorced in 2012, and a judge awarded her primary physical custody because I lived with my mother, while she had her apartment. The judge, however, did award us joint legal custody. I had visitation and still wanted to be an involved father. About a year later, she absconded with my children to another state against court orders and made it extremely difficult to see my children.

For over a decade, while paying child support, the Child Support Enforcement Agency (CSEA) suspended my license off and on. My license was suspended even while my wages were being garnished each month.

In 2020, during the pandemic, I discovered that my children were being abused by their new stepfather, so they returned to Maryland to live with me, and they have been living with me full-time ever since. I filed to modify both custody and child support in the Circuit Court but have had trouble serving their mother because I do not have her exact address, as she still lives out of state. Because of this, both motions are still pending. I updated CSEA of the change in custody, but I still had to pay child support and deal with on and off-license suspensions. CSEA knows my children are living with me but has done nothing to help me.

Most recently, I received another license suspension notice. I pleaded with CSEA not to suspend my license. They know my children live with me, and they know I drive UBER, so I need my driver's license for employment to care for my children financially. They said they would not lift the suspension unless I



made a large lump sum payment. After speaking with Maryland Legal Aid, they helped to restore my license. I am incredibly grateful to Stacy of Legal Aid for advocating. The passage of this bill would help to end my struggle with this horrible child support system and allow me to raise my children in peace. I urge a favorable report on Senate Bill 174/ House Bill 311.

SB0174_HB0311_FAV_AprilleHamilton.pdf

Uploaded by: Aprille Hamilton

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Aprille Hamilton

My name is Aprille Hamilton, a resident of District 8, and I support(s) Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

I have a 10-year-old daughter from a previous relationship and a 9-month-old that I am raising alone. I left my previous relationship after surviving multiple domestic violence situations with my ex, the 9-year-old's father, and then moved out. It was not easy. I struggled to secure housing and ended up in a shelter.

At this point, I lost custody of my daughter, and my ex then placed me on child support, where I had my wages garnished and my license suspended. My quality of life plummeted significantly, and I had to reach back out to him, my abuser, and plead with him to drop the order, which he eventually did. I am blessed that the situation worked the way that it did, but no one should have to plead with their abuser to repeal a child support case.

Years later, I moved to Alaska for waitress work on a cruise ship. During this time, he placed me on child support again for my daughter, and because I was not in the state, I did not receive the court order to push back. I now owe him \$20,000 in arrears, and my license has been suspended since April last year. There is **no way** that I can pay down this debt.

I have been frantically searching for employment opportunities but am constantly denied due to not having a license. If this bill were to pass, I could make a case in court, retrieve my license, and support my son. Please pass these bills!

MAJR_SUP_SB174_24RS.pdf

Uploaded by: Bill Carlson

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Will Smith and Senate Judicial Proceedings Committee Members
From: Jennifer Zito and Bill Carlson, MAJR executive committee

February 6, 2024

The Maryland Alliance for Justice Reform (MAJR) asks you to support of SB 0174 - Child Support - Suspension of Driver's License.

We believe SB 0174 is a sensible bill that will help correct a flaw in the current policies relating to driver's license suspension due to child support arrears. Under the current system an impoverished parent who is behind in their child support payments can have their driver's license automatically suspended. Driver's license suspensions do not work as an enforcement mechanism for those who are living in poverty and simply do not have the ability to pay. They create a barrier to employment and make it difficult to be an involved and active parent. The current system often has consequences that are not in the best interest of the child. Further, the punishment can paradoxically make the parent in arrears less able to make further child-support payments. Being handicapped by not being able to drive reduces the ability of parent to function. Or, choosing to drive with a suspended driver's license can create a ripple of further negative outcomes such as fines, arrest, and sometimes even imprisonment. The current system disproportionately affects low-income parents and families.

The basic approach taken by SB 0174 is a fundamental change from the current system. SB 0174 requires that the Maryland Department of Human Services (DHS) petition the court to suspend a license and provide clear and convincing evidence to the court that the proposed suspension is appropriate. Under the current system, DHS automatically enters obligators who are 60 days behind on child support into the suspension program with limited opportunity to contest or show that they are eligible for one of the many exemptions provided in the law. The new approach offered by SB 0174 is much more aligned with standard practices in a just society in which the government must show that a punishment is appropriate, not that the suspected wrong doer must show their innocence. It also is in compliance with the requirements of federal law (42 USC 666(a)) which requires that states have the authority to suspend licenses "in appropriate cases". The current automatic suspension system is neither required or "appropriate" -- It is harmful and counterproductive.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give SB 0174 a favorable report.

SB 174 - Testimony before JPR.pdf

Uploaded by: C. Anthony Muse

Position: FAV



Judicial Proceedings Committee
Executive Nominations Committee
Vice Chair, Rules Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY IN SUPPORT OF SENATE BILL 174:
Child Support - Suspension of Driver's Licenses

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

1. Introduction

- a. For the record, I am Senator Anthony Muse. I am here today presenting Senate Bill 174, which ensures that driver's license suspensions for inability to pay child support are used in appropriate cases.

2. Mobility in Maryland

- a. Mobility is key in Maryland's regional economy. The Census Bureau reported that almost 40% of Marylanders travel outside 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.
- b. For example, only 8.5% of jobs in the Baltimore region can be reached within one hour, one-way by public transit.
- c. More concerning is that 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).
- d. Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

3. Current Law: Federal & State

- a. 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).
- b. To this end, [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, regardless of their circumstances or ability to pay.

4. The Impact on Marylanders

- a. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether a suspension would be appropriate.
- b. Maryland Legal Aid and the University of Baltimore have reported individuals who are disabled, *not* in arrears, or with primary custody of their children, having their licenses suspended.

5. Child Support Debt

- a. 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. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility.
- b. Additionally, [a report cited](#) by the Abell Foundation found that **42% of individuals who had their licenses suspended lost jobs as a result of the suspension, 45% of those who lost jobs could not find another job, and 88% of those who were able to find another job reported a decrease in income.**

6. What Does Senate Bill 174 Do?

- a. Senate Bill 174 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It proceeds to determine that a suspension is not appropriate for the obligor if:
 - i. The minor lives primarily with the obligor;
 - ii. The obligor is disabled and unable to work;
 - iii. Suspension would cause the obligor to be out of compliance with another court order;
 - iv. Suspension would ruin the ability to assist the custodial parent with the child's transportation needs;
 - v. The suspension would risk the loss of employment or employment opportunities;
 - vi. The obligor could not pay or is making arrangements to pay;
 - vii. If the suspension would place an undue hardship on the obligor or the family;
 - viii. The reported arrearage amount is not accurate; or
 - ix. The Administration has agreed with the obligor through the payment incentive program.

7. Conclusion

- i. This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child.
- ii. For these reasons, I urge a favorable report.

SB0174_FAV_CFUF (1).pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174:

Child Support - Suspension of Driver's Licenses

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

FROM: Christopher Dews, Policy Consultant

DATE: February 7th, 2024

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 174 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% of Marylanders travel outside 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. [Only 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

[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). To this end, [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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. Maryland Legal Aid and the University of Baltimore have reported individuals who are disabled, *not* in arrears, or with primary custody of their children, having their licenses suspended.

Additionally, [a report cited](#) by the Abell Foundation found that **42% of individuals who had their licenses suspended lost jobs as a result of the suspension, 45% of those who lost jobs could not find another job, and 88% of those who were able to find another job reported a decrease in income.**

Senate Bill 174 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It proceeds to determine that a suspension is not appropriate for the obligor if:



1. The minor lives primarily with the obligor;
2. The obligor is disabled and unable to work;
3. Suspension would cause the obligor to be out of compliance with another court order;
4. Suspension would ruin the ability to assist the custodial parent with the child's transportation needs;
5. The suspension would risk the loss of employment or employment opportunities;
6. The obligor could not pay or is making arrangements to pay;
7. If the suspension would place an undue hardship on the obligor or the family;
8. The reported arrearage amount is not accurate; or
9. The Administration has agreed with the obligor through the payment incentive program.

The Center for Urban Families believes this is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

Testimony SB 174 and HB 311 - 2.7.24 Daniel Hatche

Uploaded by: Dan Hatcher

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311**Child Support - Suspension of Driver's Licenses**

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

FROM: Daniel Hatcher, Professor of Law, University of Baltimore School of Law, Civil Advocacy Clinic,

DATE: February 6, 2024

RE: SB 174/HB 311 – Support

Thank you for the opportunity to present testimony in support of SB 174 and HB 311.

I am a law professor at the University of Baltimore, teaching the Civil Advocacy Clinic where students represent low-income clients. My research and scholarship focuses on improving programs and policies for vulnerable children and low-income adults, including the issues in this bill. Prior to UB, I was an assistant director of advocacy and also a staff attorney at the Legal Aid Bureau, representing adults in all areas of poverty law (including child support) and representing children in the foster care system. I was also a senior staff attorney for the Children's Defense Fund.

This bill would help reform harmful driver's license suspension practices that block low-income parents' ability to work and pay child support.

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 prior version of this bill, and is attached to this testimony. That research 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 this bill. This bill 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 because the agency can still suspend licenses when appropriate.ⁱⁱ

Information provided by DHS for the fiscal note is incorrect. DHS incorrectly asserts that 17 new assistant Attorneys General will be necessary. Petitions for license suspensions would not be necessary in the vast amount of cases. Further, the local child support offices already have attorney representation, and filing a short petition is a minimal task for an existing attorney of record.

I therefore submit this testimony in support of SB 174 and HB 311 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:

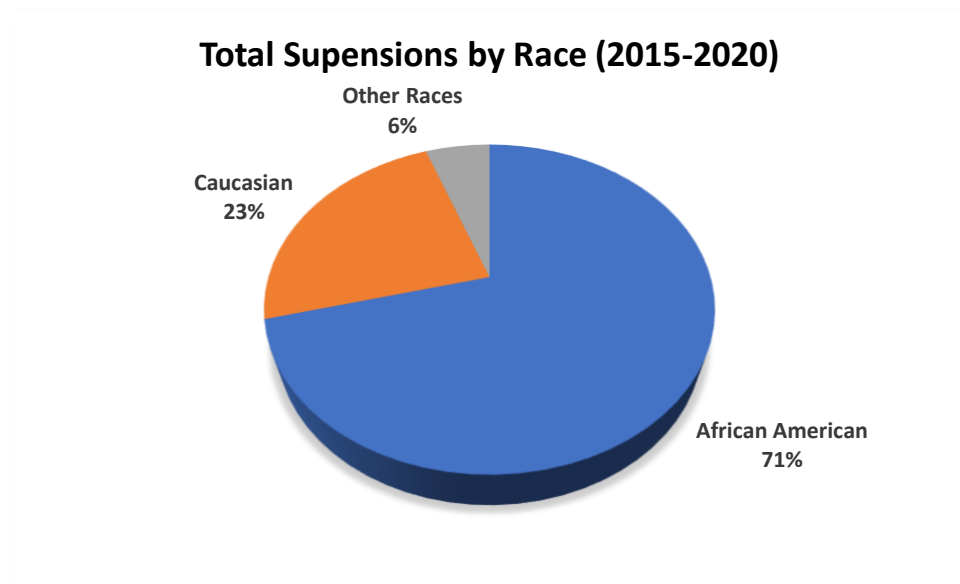
- On average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans per zip code received license suspensions, a rate 3 times higher 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



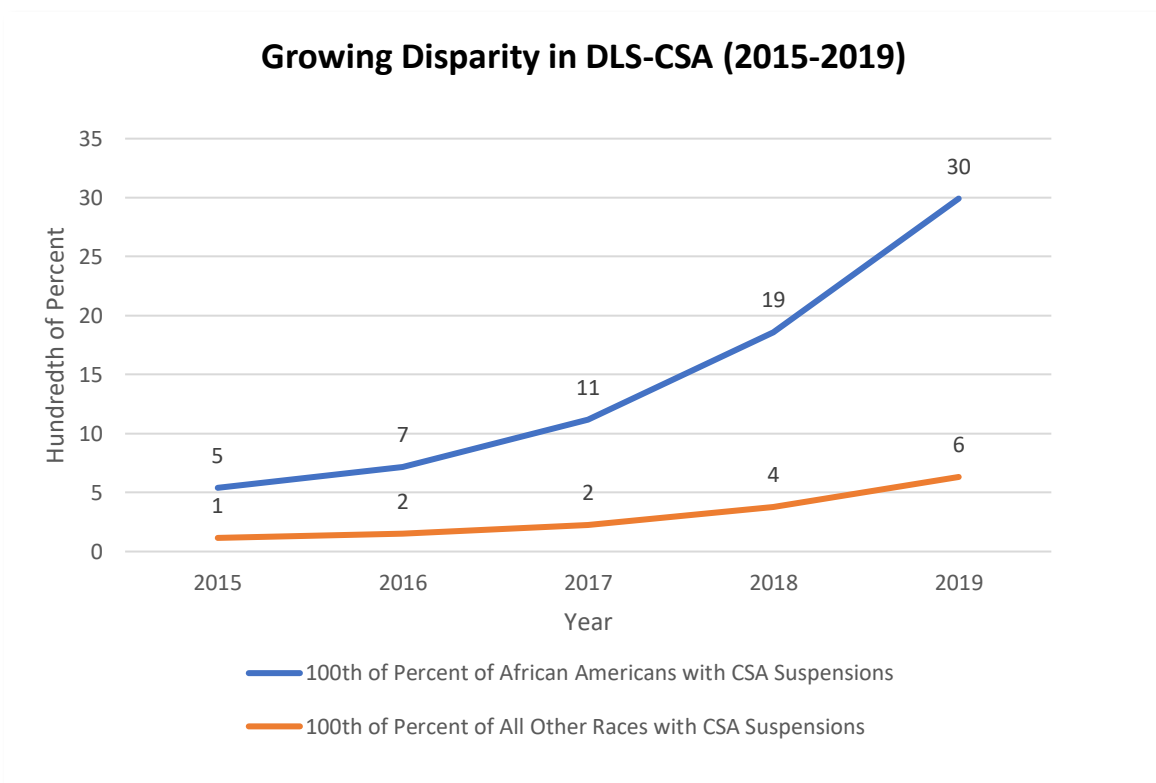
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions from 2015 to 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African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

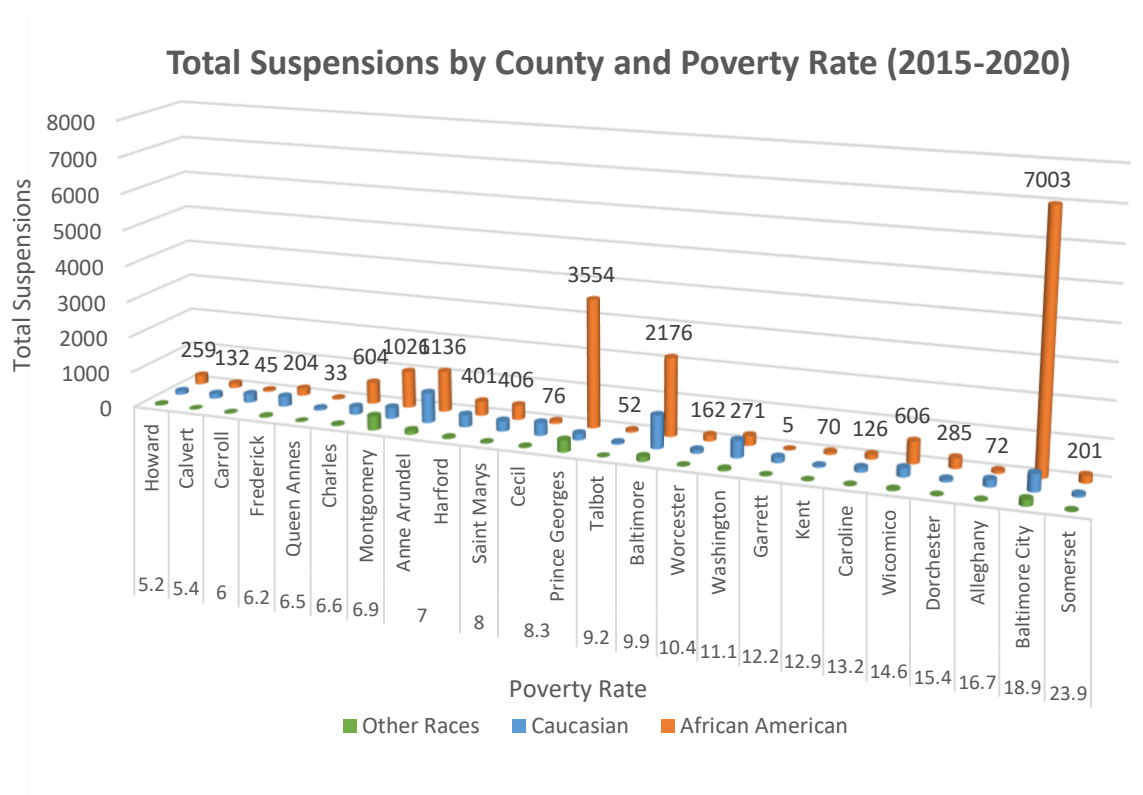
Figure 1 – Maryland Department of Transportation, Office of Data Management

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

SB0174_HB0311_FAV_SAMPLE (Public) (1).pdf

Uploaded by: Daryl Yoder

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: **Daryl Yoder**

Daryl Yoder support(s) Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% of Marylanders travel outside 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. [Only 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

[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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. Many people are disabled, *not* in arrears, or with primary custody of their children, having their licenses suspended.

Senate Bill 174/ House Bill 311 will resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It is not wise to remove transportation access for people who may or may not owe money as it prevents them from paying. This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

Written Testimony SB0174 Donte Peoples.pdf

Uploaded by: Donte Peoples

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 0311/SENATE BILL 0174

Child Support – Suspension of Driver's Licenses

Judicial Proceedings Committee

Hearing: February 7, 2024

Position: FAVORABLE

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

FROM: Donte Peoples

My name is Donte Peoples. I reside in **District 35A**. I support HOUSE BILL 0311/SENATE BILL 0174 to ensure driver's license suspensions are only used in appropriate cases, and to ensure other families are not harmed by the child support system the way my family has been harmed.

From 2014 – 2023 my driver's license was suspended 15 times for child support. Meanwhile, my son has been living with me for the majority of that time. I told the child support agency that my son lives with me, but they did nothing to help me.

In 2017, I got a court order from the Circuit Court terminating my obligation to pay child support because my son lives with me. I took this court order to the child support agency but they kept suspending my license on and off, and they kept garnishing my wages, even though the court order said they were supposed to close out my case. In 2022, I got a custody order from the Circuit Court granting me sole legal and physical custody of my son. Still, the child support agency kept suspending my driver's license. I pleaded with them to stop suspending my license and told them how badly it was affecting my work because I'm a truck driver. The caseworkers told me to make payments so they would reinstate my license, but they said they don't have control over it being suspended again or another suspension coming down the pike because it's all done through the computer. Well, if you don't have control over a machine then that's a huge problem.

I drive trucks for a living. These suspensions have caused me to lose jobs and to lose out on potential job opportunities. Many of the big trucking companies have rules where they don't even consider hiring you if you've had a license suspension in the last 3 years. This past summer, I thought my license was in good standing and I was out of state making a delivery for work to a military base. The military base does routine background checks before anyone can enter the property. Through this routine background check they informed me my driver's license was suspended. Because of this, I was not able to finish the work delivery, and I lost my contract with that trucking company.

After that, Maryland Legal Aid got involved. Through litigation they were finally able to get the child support agency to close out my child support case—something the court ordered them to do back in 2017. To say the child support system has had devastating effects on my family is a massive understatement. I'm trying to take care of my son, and this system that's

supposed to help families keeps doing everything they can to hurt my family. They have made it almost impossible for me to be able to care for my family financially. Every set back and frustration from them makes me want to give up, but I know I have to keep going for my son.

I hope these bills will help other families to not have to go through the hardships I went through at the hands of the child support agency. I urge a favorable report of HOUSE BILL 0311/SENATE BILL 0174, and I urge you to pass these bills to help families like mine, dads like me, and kids like my son. We don't deserve to be harmed by a government system that is supposed to be helping families.

testimony2024sb174ltr.pdf

Uploaded by: Franz Schneiderman

Position: FAV



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

**Testimony to the House Judiciary Committee
SB 174 – Child Support – Suspension of Driver’s Licenses –
Position: Favorable**

The Honorable Will Smith
Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401
cc: Members, Judicial Proceedings Committee

February 7, 2024

Dear Chairman Smith and Committee Members,

I'm a consumer advocate and Executive Director of Consumer Auto, a non-profit group that works to foster safety, transparency, and fair treatment for Maryland drivers and car buyers.

We support **SB 174** because it takes strong steps to protect drivers who are obligated to pay child support against the burdensome and counter-productive punishment of losing their license to drive – a sanction that not only can put drivers at risk of serious further punishment but undermines their ability to earn a living – and to meet their child support and other family obligations.

Paying child support is of course an important obligation. But for many MD parents, it's a difficult burden to meet. As a 2019 Abell Foundation report found, many noncustodial parents “struggle to find and maintain full-time work at sufficient wages to support themselves and pay their child support obligations.”¹ With the median income of non-custodial parents statewide less than \$23,000 and 25% receiving supplemental food benefits (as the Abell report found in 2019²), it's not surprising that many parents fall behind in their child support payments.

And when they do, Maryland law makes it very easy for them to lose their licenses, allowing driver's licenses to be suspended when parents are 60 days behind in their payments. Unfortunately, when a parent loses the right to drive, that makes it much harder for him or her to get to work and access the job opportunities that could enable them to meet their needs and child support obligations or to visit their children or to uphold other family obligations.

Once a person's license is suspended, he or she is also subject to a up to one year in jail and a \$1,000 fine for driving on a suspended or revoked license. When people violate the law by driving – as many do, in part because they need to drive to get to work and meet their obligations – that often extends a cycle of financial

¹ https://abell.org/wp-content/uploads/2022/02/Child20Support20Report202_20_202020edits2020-20web20version.pdf

² Ibid,



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

shortfalls and punishment that leaves people with even greater legal difficulties and more deeply in debt. This cycle predictably leaves them less able to pay their child support and meet other needs.

Especially given that if a parent actually is earning significant income -- but is not using that money to pay their child support -- that income can often be withheld or garnished to help meet those debts, in most cases it's hard to see how making it more difficult for that person to earn a living by suspending a debtor's driver's license does anything but hurt his or her ability to pay child support.

Unlike some bills that seek to reform this practice that this committee has considered in recent years, which have sought to set conditions or limits on driver's license suspensions, this bill addresses the problem in a more fundamental way: By authorizing the MVA to be notified of a child support arrearage only if a court affirmatively finds that a license suspension is appropriate under the law.

The bill further sets out clear and relatively narrow conditions under which a license can be suspended. It mandates that the court make such a finding only if the obligor: has the funds to pay the child support obligation; if those funds aren't subject to other collection and enforcement mechanisms; and if a license suspension is actually in the best interest of the child in question. It prohibits such an order if the debtor can establish (among other conditions), that a license suspension would interfere with his/her employment or ability to visit or help transport the child, that the minor child being supported is living with the debtor, or that the debtor has a documented disability that interferes with his/her ability to work. It also requires the debtor to be properly notified of a petition for suspension of his/her license and extends from 60 days to 120 day the time a person with a non-commercial license must be behind on his/her child support obligations before being subject to such sanctions.

Under our current practices, about 20,000 Marylanders each year lose their driving privileges as a result of child support issues – and some have their licenses suspended without even knowing that this has happened. This causes greater financial and legal jeopardy for many Marylanders – and doesn't help children get the support they need.

This bill would add protections that should limit those suspensions to a much smaller state of cases where parents are genuinely making a conscious and irresponsible choice not to pay their child support.

We support **SB 174** and ask that you give it a **FAVORABLE** report.

Sincerely,

Franz Schneiderman
Consumer Auto

SB 174 - Child Support - Suspension of Driver's Li

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of Senate Bill 174

Child Support - Suspension of Driver's Licenses

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

FROM: Job Opportunities Task Force

DATE: February 7, 2024

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-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 174, which ensure that driver's license suspensions for inability to pay child support would be used in an appropriate manner.**

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% of Marylanders travel outside 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. [Only 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are overwhelmingly critical for a noncustodial parent to maintain an income that can be used to make child support payments in the first place.

[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). To this end, [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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. This automated process has led to cases where individuals who are the primary custodial parent, disabled, or not in arrears in the first place have had their license suspended. Many Maryland based organizations that offers legal aid to low income individuals can attest to this; it is not a niche concern but a widespread issue.

Additionally, [a report cited](#) by the Abell Foundation found that **42% of individuals who had their licenses suspended lost jobs as a result of the suspension, 45% of those who lost jobs could not find another job, and 88% of those who were able to find another job reported a decrease in income.**

Senate Bill 174 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It proceeds to determine that a suspension is not appropriate for the obligor if:

1. The minor lives primarily with the obligor;
2. The obligor is disabled and unable to work;
3. Suspension would cause the obligor to be out of compliance with another court order;
4. Suspension would ruin the ability to assist the custodial parent with the child's transportation needs;
5. The suspension would risk the loss of employment or employment opportunities;
6. The obligor could not pay or is making arrangements to pay;
7. If the suspension would place an undue hardship on the obligor or the family;

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

8. The reported arrearage amount is not accurate; or
9. The Administration has agreed with the obligor through the payment incentive program.

JOTF believes this is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

For these reasons, JOTF supports Senate Bill 174 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

sb174.pdf

Uploaded by: Linda Miller

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 174
Child Support – Suspension of Driver’s Licenses
DATE: January 11, 2024
(2/7)
POSITION: Support

The Maryland Judiciary supports Senate Bill 174. This bill would amend the circumstances and process set out in Family Law Article, § 10-119 under which the Child Support Administration (CSA) may notify the Motor Vehicle Administration (MVA) of an individual’s child support arrearages in order to suspend the individual’s driver’s license or privilege to drive.

This bill would increase the operational efficiency of the court. Currently, persons are repeatedly suspended, restored, and res-suspended with a multitude of hearings required. This bill will help ensure suspensions are not used inappropriately and will streamline and target the process for the courts.

The Judiciary notes that it would be helpful to have a definition for the term “arrearage balance,” (see page 4, lines 14-15 and 20). It is unclear whether “arrearage balance” is the entire arrearage owed or the most recent amount that the obligor has not paid. For example, if the obligor has a \$1,000 per month child support obligation, a \$250 per month arrearage payment obligation, and is \$10,000 in arrears, must the court find that the obligor has the ability to pay the entire \$10,000 arrearage balance (or is otherwise voluntarily impoverished) to determine that suspension is appropriate?

cc. Hon. C. Anthony Muse
Judicial Council
Legislative Committee
Kelley O’Connor

FFJC Testimony In Support of MD SB 139 SB 174.pdf

Uploaded by: Mary Mergler

Position: FAV



**FINES & FEES
JUSTICE
CENTER**

Fines and Fees Justice Center
1325 G St NW, Suite #500
Washington, DC 20005
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WRITTEN TESTIMONY IN SUPPORT OF

MARYLAND SB 139 / HB 813 (Driver's Licenses - Suspension for Child Support Arrearages – Exception)

&

MARYLAND SB 174 / HB 311 (Child Support - Suspension of Driver's Licenses)

TO: Members of the Maryland Senate Judicial Proceedings Committee
Members of the Maryland House Judiciary Committee

FROM: Mary Mergler, National Advocacy & Campaigns Deputy Director
Fines and Fees Justice Center

DATE: February 6, 2024

Dear Members of the Maryland Senate Judicial Proceedings Committee and Members of the Maryland House Judiciary Committee:

We write in support of Senate Bill 139 / House Bill 813 and Senate Bill 174 / House Bill 311.

These bills would make meaningful reforms to reduce the use of driver's license suspensions for unpaid child support in Maryland, preventing low-income people from becoming trapped in a cycle of debt and removing counterproductive barriers to employment.

The Fines and Fees Justice Center is a national hub for information, advocacy, and collaboration for the reform of fines and fees, including eliminating the onerous collateral consequences that result from nonpayment like driver's license suspensions. Not having a valid driver's license makes life nearly impossible for most people in Maryland, preventing them from going to work, getting a new job, taking their child to school or childcare, and going to medical appointments. Because most people require a car to access the most basic necessities, they have no choice but to continue driving. When they do, they risk additional fines and fees, as well as arrest and jail time for driving with an invalid license.

To accelerate reform nationwide to end debt-based driver's license suspensions, FFJC along with more than 130 ideologically diverse joined forces in 2019 to launch the Free to Drive Campaign.¹ This national campaign brings together policy advocates, research organizations, and businesses committed to the principle that restrictions on driving privileges should only be used for dangerous driving—not to coerce debt payment or to punish people who miss a court appearance.

¹ For more information, visit www.freetodrive.org.

The same is true in Maryland as is true across the country: debt-based suspensions harm Black, Brown and low-income communities at disproportionate rates. In Maryland, Black people are nearly five times more likely to have their license suspended than white people.² Moreover, these racial disparities have worsened, rather than improved, over a period of five years analyzed.³

The Maryland legislature has already recognized the significant harms and inequities associated with debt-based suspensions with the passage of SB 234 in 2020, which ended certain suspensions for nonpayment of fines and fees in Maryland. **The same principles, evidence and values that led the Maryland legislature to end one form of debt-based driver's license suspension with the passage of SB 234 apply in the context of unpaid child support as well.**

While federal law prevents any state from completely eliminating license suspensions in the child support context, the law is clear that the state may only impose those suspensions in "appropriate cases."⁴ The legislation being considered would limit debt-based suspensions for child support and prevent them from being imposed inappropriately on people whose noncompliance is due to a lack of financial resources, not willfulness. Specifically, SB 139 / HB 813 would ensure that people who are low income do not have their licenses suspended for nonpayment of child support by prohibiting the suspension of licenses for those with an income less than 250% of the federal poverty level. SB 174 / HB 311 would require a hearing before suspension and prevent suspension in inappropriate circumstances, such as when the person owing child support has a disability or is unable to pay.

Finally, there is no evidence that supports driver's license suspension as an effective method to collect debts, whether that debt is unpaid fines and fees or unpaid child support. In fact, debt-based driver's license restrictions make it more difficult to pay one's fines and fees by reducing access to employment. Studies examining the impact on collection have found no significant difference in collection rates as a result of license suspensions and restrictions. In Texas, one study found that municipal courts that did *not* use driver's license restrictions as a collection tool collected \$45 *more* per case, on average, than courts that did use them.⁵ In another study comparing data from the years Tennessee did suspend licenses for unpaid fines and fees with the years that Tennessee did not do so, researchers found no statistically significant difference in collection rates during the time periods despite the change in practice.⁶

Senate Bill 139 / House Bill 813 and Senate Bill 174 / House Bill 311 would advance fairness and equity, as well as remove barriers to work for people who lack the financial resources to resolve their child support debt. We urge the Committees to support these two important pieces of legislation.

Mary Mergler
National Advocacy & Campaigns Deputy Director
Fines and Fees Justice Center
mmergler@ffjc.us

² Testimony of Univ. of Baltimore School of Law Legal Data and Design Clinic in Support of Maryland HB 580 (2020), available at <https://drive.google.com/file/d/1931YyasJqJz1E3L1XUMEALgRfDsPsaGU/view?usp=sharing>.

³ *Id.*

⁴ 42 U.S.C.A. § 666(a)(16).

⁵ Texas Fair Defense Project & Texas Appleseed, *Driven by Debt: The Failure of the OmniBase Program* (Aug. 2021), available at <https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>.

⁶ ThinkTennessee, *Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections* (Nov. 2022), available at <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>.

SB0174_FAV_MichaelRoss.docx (1).pdf

Uploaded by: Michael Ross

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311

Child Support – Suspension of Driver's Licenses

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

FROM: Michael Ross

My name is Michael Ross. I reside in **District 46** in Baltimore and I support SENATE BILL 174/ HOUSE BILL 311 to ensure drivers license suspensions are only used in appropriate cases. I've had custody of my daughter since 2015 and yet my drivers license was still suspended and my check kept being garnished for years. I support these bills to make sure other parents and families aren't harmed by the child support system in the way that my daughter and I were.

In 2009, my daughter was born to me and my then-girlfriend. We stuck it out together to raise our child until 2012, when it was discovered that she had severe mental health issues. Life happens to us all, but where it became painful was that she refused to let me see my daughter even though there was no hearing for custody. She placed me on child support for the sole purpose of securing state assistance which would have been fine if she had informed me of her plan and not led to garnishments in my wages. My license was suspended immediately since I was unaware of the payments, and my wages were garnished. Again, there was no court order or hearing that I was informed of, but before I knew it, I was driving illegally. In 2015, CPS picked up my daughter from her mother, stating that her mental state continued to deteriorate. At this point, I decided enough was enough and fought in court to receive custody of my daughter, which I achieved in October 2015.

I thought that would end the drama, but it did not. My wages continued to be garnished, and my license stayed suspended despite my having full custody of my daughter. My wages and taxes were intercepted through 2019, again, despite having full custody of my daughter. For years, I spoke with the child support administration to sort out my case - showing them that I have full custody of my daughter, but the suspension was never lifted. This put me in danger whenever I stepped outside to take her to the doctor, school, or even to visit her mother since it is illegal to drive on a suspended license.

In 2019, Maryland Legal Aid sorted out my situation and fought the Child Support Administration to lift my license suspension and receive the intercepted taxes. Stacy Bensky of Legal Aid has helped me secure \$4360 in tax intercepts and wrongly garnished child support payments. Child Support has been brutal - but my biggest concern was the loss of my license and wages. I'm currently a facilities manager at a high-rise building in Baltimore, but we travel often. I can't continue to risk losing access to my license. If I can't drive, then I can't work; if I can't work, NO ONE will take care of my daughter.

SENATE BILL 174/ HOUSE BILL 311 is an excellent move to help parents like me protect our access to employment for what can be a needlessly predatory system. It allows the courts to properly examine if a suspension is justified. I urge a favorable report on SENATE BILL 174/ HOUSE BILL 311 for these reasons.

2024 02 06, SB 174_FLSC_FAV.pdf

Uploaded by: Michelle Smith

Position: FAV

To: Members of the Senate Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 6, 2024

Subject: Senate Bill 174
Child Support – Suspension of Driver’s Licenses

Position: FAVORABLE

The Maryland State Bar Association (MSBA) Family Law Section Council **supports Senate Bill 174.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family law legal issues and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Maryland Code, Family Law Article § 10-119 allows for the Maryland Child Support Enforcement Agency (“the Agency”) to suspend driver’s licenses if an obligor has been out of compliance with their child support order for more than 60 days. Driver’s license suspension is an enforcement tool that carries enormous collateral consequences, such as the inability to go to work or participate in a child’s life. While Federal law requires states to have procedures for suspending driver’s licenses when there has been noncompliance with a child support order, it also cautions that this tool should be used only in “appropriate cases.” 42 U.S.C. § 666(a)(16). Indeed, Maryland law itself states that license suspension may not be appropriate in cases where it would be an impediment to current or future employment, or where the obligor is disabled. See Md. Code Fam. Law § 10-119(c).

However, under the Agency’s current procedures for referring noncompliant child support obligors to the Motor Vehicle Administration (“MVA”) for driver’s license suspension, there is no way to identify and separate the cases in which the driver’s license suspension would be

appropriate from those in which suspension would be inappropriate. Currently, the Agency uses an automated system to transmit a random selection of noncompliant obligors to the MVA for license suspension each month. Under this automated system, the Agency lacks the ability to sift through all of the cases in which payment has not been made in 60 days to determine which cases involve circumstances where it would be appropriate to suspend the obligor's license.¹

As a result, driver's license suspension has been used imprecisely and ineffectively as an enforcement mechanism. In a number of cases, the Agency has erroneously suspended the licenses of individuals who are disabled, those who require driver's licenses for work, and those who are actively making payments to catch up with delinquent orders. Furthermore, because the Agency uses an automated system that does not allow for the selective referral of cases for license suspension, custodial parents are unable to seek help from the Agency in deploying this enforcement tool in specific cases where suspension *would* be appropriate.

Senate Bill 174 revamps the Agency's procedures for referring delinquent child support cases for license suspension. It prohibits the Agency's use of an automated lottery system to decide which cases to refer to the MVA each month, instead creating a judicial process whereby the Agency would have to petition the court for approval to suspend an obligor's driver's license in appropriate cases. This bill also explicitly lists specific circumstances in which it would be inappropriate to seek license suspension, such as when the obligor now has custody of the minor child, is disabled, or requires the use of a car for employment. This new system would allow far more control, caution, and deliberation when using driver's license suspension as an enforcement tool, ensuring that this remedy is only sought in cases where it would be appropriate and effective.

For the reason(s) stated above, the MSBA Family Law Section Council **supports Senate Bill 174 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com or Lindsay Parvis at 240-399-7900 or lparvis@jgllaw.com.

¹ The Agency has acknowledged that it uses an "automated system" that is unable to "identify [cases in] which parents may be at or below the federal poverty level." [Letter of Concern: SB 844, Maryland Department of Human Services, March 10, 2022](#). The Agency currently does not conduct a "manual review of every child support case in the CSA caseload" before deciding which cases should be referred to the MVA for license suspension. *Id.*

Testimony in support of SB0174.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0174_RichardKaplowitz_FAV

2/7/2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0174 - POSITION: FAVORABLE
Child Support - Suspension of Driver's Licenses

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial
Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SHB#/0174, Child Support - Suspension of Driver's Licenses

This bill is an attempt to correct an injustice and a nonsensical application of law to a situation that, once corrected, will solve a significant problem in how the Child Support Enforcement Administration deals with persons in arrears on support/

An individual's child support arrears can only be remediated if that individual is earning an income that can be applied to resolve the arrears. Yet the current situation, the suspension of an individual's driver's license or privilege to drive, works to severely retard or completely stop that ability to remain employed to earn income to satisfy a judgment on monies owed. If you take away the ability of the individual to commute to employment where a public transit solution is unavailable, you are stopping that earning capacity. The individual then will become further behind in their obligations with limited or no path to recoup and repay obligations.

This punitive current law does not serve the interest of the person with the debt nor the persons who are owed the payment of child support. If we are to create economic justice in Maryland we must make every effort to help people earn income that can be applied to any expense, including child support, that they owe.

I respectfully urge this committee to return a favorable report on SB#/0174.

Written Testimony SB 0174 - Maryland Legal Aid.pdf

Uploaded by: Stacy Bensky

Position: FAV



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

Senate Bill 0174

Child Support – Suspension of Driver’s Licenses
In the Judicial Proceedings Committee
Hearing on February 7, 2024
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 0174 in response to a request from Senator Muse.

MLA appreciates the opportunity to testify in support of this vital legislation. This legislation would do two main things. First, it would ensure parents with child support orders are provided due process before their driver’s license is suspended. Second, it would establish criteria for when suspending a license for alleged child support arrears is appropriate. This will temper the harmful effects of the current arbitrary, automated driver’s license suspension system used by the Maryland Child Support Enforcement Agency (“the Agency”), and it will ensure that the Agency only suspends driver’s licenses in situations that would help children and families, not cause them harm. MLA urges passage of this bill.

MLA is a private, nonprofit law firm that provides free legal services to thousands of low-income Maryland residents in civil matters. MLA’s representation of non-custodial parents in child support cases has revealed significant inequities in the Agency’s automated driver’s license suspension system. The current system criminalizes poverty and disproportionately harms low-income families.

State and Federal laws authorize the use of driver’s license suspension as an enforcement mechanism for non-custodial parents who are behind on their child support payments. Currently, the Agency automatically places any parent who has 60 days or more of arrears in a pool of people who may be randomly selected each month to be referred to the Motor Vehicle Administration (“MVA”) for driver’s license suspension. The MVA reported 20,512 driver’s license suspensions for child support in calendar year 2023. Senate Bill 0174 would significantly reduce that number by implementing a system where driver’s license suspensions are only used when appropriate, rather than as a blanket punishment. This bill creates a safeguard that Maryland residents desperately need against erroneous and egregious license suspensions.

MLA's clients are routinely harmed by driver's license suspensions.

MLA routinely assists parents with driver's license suspensions. Through this work, MLA has found that parents have their licenses suspended:

- Even when custody has changed, and the child now lives with them;
- Even when they are making payments towards their arrearage balance pursuant to a payment agreement;
- Even when they need their driver's license for work;
- Even when the suspension causes them to lose their job;
- Even when they are disabled and unable to work and therefore unable to make payments; and
- Even when they need their license to be an involved and active parent.

MLA has also found that parents are denied driver's license reinstatement requests by the Agency:

- Even when they provide proof that custody has changed, and the child now lives with them;
- Even when they provide proof that they need their driver's license for work;
- Even when they provide proof that the suspension will cause them to lose their job; and
- Even when they provide proof of a pending or potential job opportunity that requires a valid driver's license.

The following are just a few examples of the many cases where MLA clients have suffered the harmful consequences of improper and inappropriate driver's license suspension:

- Mr. M is an MLA client who was granted custody of his son by the Circuit Court. Mr. M provided a copy of the new custody order to the Agency, showing that custody had changed and he is now the custodial parent. Yet, the Agency **still suspended his license**. Mr. M only discovered his license was suspended when he was pulled over for a minor traffic infraction in Virginia. Due to the suspended license, Mr. M's car was impounded and he was stranded outside in the pouring rain with his wife and children. Ultimately, Mr. M had to pay to get his car out of impound, and he was charged with driving on a suspended license.
- Mr. R is an MLA client who was granted sole custody of his daughter in the Juvenile Court, after the mother was found to be unfit due to abuse and neglect. He provided a copy of the custody order to the Agency, showing that custody had changed and he is now the custodial parent. **Mr. R's driver's license was still suspended**, which he learned only after being pulled over for a minor driving infraction. As a result, Mr. R received a criminal citation for driving on a suspended license.

-
- Mr. P is an MLA client who was granted sole custody of his son in the Circuit Court. The court also granted Mr. P's request to officially terminate his obligation to pay child support, in light of the change in custody. Mr. P provided copies of the court orders to the Agency, but **his driver's license was still suspended**. Mr. P drives trucks for a living, and he had no idea that his license had been suspended until he was out of the state, making a work delivery to a military base. The military base ran a routine background check on him, which revealed that his license had been suspended. As a result, Mr. P was unable to complete his work delivery, and **he was terminated from his job** with that trucking company.
 - Mr. G is an MLA client whose children began residing with him full time a few years ago. Mr. G filed motions to modify both custody and child support, but these motions are still pending in the Circuit Court, as he has had trouble serving the mother, who moved out of state. Mr. G made the Agency aware of the change in custody and the pending court proceedings. Nevertheless, Mr. G received a letter informing him that **his license would be suspended**. Mr. G makes his living by driving for Uber, and he provided proof to the Agency that the suspension would cause him to lose his job, but the Agency refused to lift the suspension unless he made a large lump sum payment.

We at MLA know that child custody can change rapidly in low-income families. Sometimes neither parent has stable housing or employment, so custody might switch depending on which parent has more reliable housing or income at any given point in time. While a custody switch might happen overnight, a legal modification of a custody or child support order in the Circuit Court takes at minimum a year, and often longer. For low-income parents who cannot afford attorneys, navigating the court system is extremely difficult. The current child support enforcement system does absolutely nothing to protect parents from having their driver's license suspended even in these situations where custody has changed and the former non-custodial parent is now the custodial parent.

Most parents we help have no idea their driver's license is suspended until they are pulled over. What would have been a minor traffic violation then turns into a criminal citation that carries with it collateral consequences ranging from their car being impounded, losing their job, missing shifts and losing wages, court dates, points on their license, increased insurance costs, and more. Further, a charge for "driving on a suspended license" acts as a subsequent conviction that will lock in earlier criminal charges on someone's record that otherwise would have been expungable, placing yet another barrier in the way of employment.

SB 0174 would require the Agency to seek driver's license suspension only in appropriate cases, and to provide due process before the right to drive can be taken away.

Establishing specific criteria for when suspending a license for child support is appropriate will keep Maryland in line with the controlling Federal law, 42 U.S.C. §§

666(a)(16) and 654(20). The Office of the Attorney General (OAG) submitted a letter of information in the cross-filed house bill, HB 0311, stating that the bill could cause a potential loss of Federal funding due to the requirements in 42 U.S.C. §§ 666(a)(16) and 654(20). With due respect, that information from OAG is incorrect. This bill would *not* affect federal funding.

The above cited federal laws require only that states have the authority to suspend or restrict driver's licenses (along with professional/occupational and recreational/sporting licenses) "in appropriate cases," to "increase the effectiveness of the program." Nowhere does the federal law require Maryland's lottery system in order to comply with the law. There is no lottery system for suspension of professional/occupational or recreational/sporting licenses, and that does not affect federal funding. It follows then that eliminating the lottery system for suspension of driver's licenses will not affect federal funding either.

Indeed, the Agency's current arbitrary and random lottery system is the exact opposite of one that is used "in appropriate cases." There is no determination of appropriateness when the cases are chosen by a random lottery. The purpose of the child support enforcement program is to increase economic stability for children and families, yet the Agency's current driver's license suspension system does the opposite. As exemplified above, license suspensions are often not only not "appropriate"—but also harmful to children and families and counterproductive to obtaining and keeping steady employment; certainly, this does not increase the effectiveness of the program. Further, the current system is in stark contrast to Md. Code Family Law § 10-118, which mandates that the Agency "shall promote and serve the best interests of the child."

MLA collaborates with law and policy advocates from all over the United States who are engaged in child support reform work. Many of those states have criteria limiting the Agency's authority to suspend driver's licenses, and their federal funding is not affected. In fact, New Jersey used to have an automated suspension system similar to Maryland's current system, but a federal court found it unconstitutional, and they were forced to make major changes. Defining "appropriateness," as this bill does, is embraced by Federal law.

SB 0174 calls for the implementation of a system of due process that will ensure the constitutionality of Maryland's procedures for suspending driver's licenses. The U.S. Supreme Court has found that driver's licenses are essential in the pursuit of a livelihood, and cannot be taken away without the procedural due process required by the Fourteenth Amendment.¹ This bill is in line with the 2020 legislation introduced by then-Attorney General Frosh and passed by the Maryland legislature that stopped the MVA from

¹ *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969); *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Bell v. Burson*, 402 U.S. 535, 539 (1971).

suspending driver's licenses for fines and fees. The logic behind the passage of those laws was simple: 1) people need driver's licenses to secure and maintain employment so that they are able to pay their fines and fees, and 2) people are entitled to due process. That simple logic applies here: parents need driver's licenses to secure and maintain employment so that they are able to pay their child support, and they are entitled to due process. Most child support is collected through wage garnishment and tax refund intercepts. Both of these collection mechanisms require the parent to have lawful, steady employment—to which driver's license suspension is an impediment.

Driver's license suspensions simply do not work as a child support enforcement mechanism for those who are living in poverty and do not have the ability to pay. They create an obvious barrier to employment and make it difficult to be an involved and active parent. Once the non-custodial parent's driver's license is suspended, they are unable to contribute in other ways—for example, picking the child up for visits, carpooling to school, doctor's appointments, etc.

The current automated system for driver's license suspension is dysfunctional and perpetuates the cycle of poverty.

On its face, the current law (Md. Code Family Law § 10-119) already has enumerated exceptions that limit when the Agency can suspend driver's licenses. The text of the law has exceptions for parents who are disabled, parents who are making consistent payments on their arrearage balance per a payment agreement, and parents who need their license for employment. In practice, however, the automated system is completely unfettered and operates as if those exceptions do not exist in the statute. MLA regularly sees clients who fit squarely into an exception, yet still have their driver's license suspended. This is because the automated system does not have any mechanism that removes parents who fit into an enumerated exception from the pool of people who can be randomly selected each month for license suspension.

If a parent falls under an exception, they can use it as a reason to request that the Agency reinstate their license. However, reinstatement, if granted by the Agency, is merely a temporary solution. If the parent 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 they often will receive another license suspension notice a few months later. Further, license reinstatement does not make up for the damage that may have already been done; they might have already lost their job, been criminally charged with driving on a suspended license, or missed out on participating in an important event in their child's life because of their suspended license. Many parents are stuck in a perpetual cycle of threatened or actual license suspension, undoubtedly furthering the cycle of poverty.

SB 0174 replaces the current automated system with a judicial process that would ensure that parents receive due process before their licenses are suspended, and that the Agency uses this tool only in truly appropriate cases. Both the Agency and the courts

would not have to spend so much of their time and resources on handling reinstatements of inappropriate and erroneous license suspensions. Rather, they could focus their resources on those rare cases where the parent is purposefully hiding or withholding money, or voluntarily impoverishing themselves.

The Judiciary supports the bill, and their favorable testimony supporting the cross-filed House bill states that the bill would increase the operational efficiency of the courts by ending the “multitude of hearings” required for persons who are “repeatedly suspended, restored, and re-suspended.” As it stands now, when parents cannot get relief from the Agency, they seek relief from the Circuit Courts. Current Maryland laws and regulations, Md. Code Family Law § 10-119 and COMAR 07.07.15.05, require that when parents request investigations of their license suspension, the Agency must issue a written decision that includes the parent’s right to appeal to the Office of Administrative Hearings (OAH). Unfortunately, the Agency does not follow this process. MLA has been doing this work since 2018, and the Agency does not issue written decisions, much less ones that include the right to appeal to OAH. Since parents do not know about OAH, they file into their child support cases in the Circuit Courts, or they bring up the license suspension issue as part of an already pending modification or contempt proceeding in the Circuit Court.

The Circuit Courts already have child support dockets for establishment, modification, and contempt, and license suspensions are already handled within those dockets. Further, those dockets are already staffed by OAG attorneys, so it is unclear why OAG would need to hire 17 new attorneys, as alleged in the fiscal and policy note on the cross-filed House bill. The Judiciary receives ‘4D’ child support specific funding for many of these dockets, and they have said this bill will not affect funding or cost them anything outside of their current resources and budget. This is because they are *already* handling these cases. If OAG chooses, they can simply bring petitions for license suspension in tandem with the petitions for contempt that they are already bringing, on the dockets their attorneys already staff.

The purpose and goal of this bill is to drastically decrease the number of license suspensions, by creating criteria for appropriateness. The Agency should only be petitioning the courts to suspend a driver’s license in situations where they believe they can realistically prove that it would be appropriate under the criteria set forth in the bill. The reality is that, most of the time, it is simply not appropriate to suspend a parent’s driver’s license for child support arrears. This enforcement tool should be, and, through this bill, would be, reserved for those who have the ability to pay but are making the free and conscious choice to withhold payment, or voluntarily impoverishing themselves.

If this legislation were to pass, it would have long-term positive impacts on low-income communities and on Maryland’s economy as a whole. It would also end an opaque, arbitrary, and harmful use of government power—a literal lottery system—that presents serious constitutional concerns and should worry lawmakers of all stripes. MLA thanks

you for the opportunity to provide input and urges the committee to give SB 0174 a favorable report.

If you have any questions, please contact:

Stacy Bensky, Esq.
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410-951-7755 (Office Phone)
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SB0174_FAV_CFUF-ZA.pdf

Uploaded by: Zachary Alberts

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174:

Child Support - Suspension of Driver's Licenses

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

FROM: Zachary Alberts, Senior Manager of Strategic Initiatives at the Center for Urban Families

DATE: February 7th, 2024

Good afternoon, my name is Zach Alberts. I am a resident of district 46 and the Senior Manager of Strategic Initiatives at the Center for Urban Families, a workforce and family strengthening program in Baltimore City. We support Senate Bill 174 because it supports families by ensuring that the harm caused by removing a parent's ability to drive is only used in appropriate cases.

According to a University of Minnesota report, only 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit, making access to a valid driver's license and car vital to securing employment. However, the MVA reported that they suspended 22,000 driver's licenses for child support arrears last year - primarily in Baltimore City - an increase of 5,000 since 2022.

Many of these suspensions were of CFUF members, disproportionately from lower-income urban communities, who have struggled to obtain or maintain sufficient employment to pay back their arrears. This is especially true for our returning citizens, as child support payments often do not stop while an individual is incarcerated.

What's worse is that many of our members have primary custody over their children but still have their licenses suspended due to inaccuracies in the reporting system. The suspension mechanism is not an effective compliance tool for our members or Baltimore City Residents.

A report cited by the Abell Foundation found that 42% of individuals who had their licenses suspended lost jobs as a result of the suspension, 45% of those who lost jobs could not find another job, and 88% of those who were able to find another job reported a decrease in income. Senate Bill 174 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It examines an obligor's current contributions to the child and the impact of license suspensions on the obligor's employment prospects, transportation access, and relationship with the child.

This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child.

For these reasons, I urge a favorable report. Thank you.

For more information, contact:

Zachary Alberts / Senior Manager of Strategic Initiatives / zalberts@cfuf.org / 214-728-5557

2024-02-07 SB174 (Letter of Information).pdf

Uploaded by: Adam Spangler

Position: INFO

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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

DHS Info

Uploaded by: Christy Reyes

Position: INFO

February 29, 2024

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

RE: SB 174 - DRIVER'S LICENSE SUSPENSION "LOTTERY" SYSTEM - INFORMATION

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

To aid the Committee's deliberations on Senate Bill 174 (SB 174), the Maryland Department of Human Services (DHS) is reaching out to the committee to provide clarity on long held misunderstandings regarding the Child Support Administration's (CSA) administration of drivers' license suspensions (DLS). We are concerned with the repeating narrative circulating around the General Assembly that CSA implements the DLS program based on a randomized lottery system. We request your assistance to dispel this myth, as CSA strictly adheres to the requirements for DLS as found in current Maryland Family Law § 10-119.

We are uncertain of the source of misunderstanding or the experiences that are leading to the narrative that CSA uses a randomized lottery to determine which driver's licenses are suspended. We are further confused about how such a lottery would operate and what benefit operating a lottery-based drivers' license suspensions program would have for families, obligors, or the Department.

CSA did, in fact, experience system issues during the past two years while implementing a new Child Support Management System (CSMS), including with the suspension of drivers' licenses, that may have generated concerns. However, the Department assures the Senate Judicial Proceedings Committee that CSA uses drivers' license suspension in strict compliance with Maryland Family Law § 10-119.

Maryland's CSA uses the Driver License Suspension program to intervene as early as possible with parents paying support who find themselves two months or more out of compliance with payment of their child support orders. The parent receives notice at the beginning of a child support case of all possible enforcement tools that may be used if support is not paid in accordance with the court order.

After failure to pay for two or more months, the parent is notified by CSA that they have been referred to the Maryland Motor Vehicle Administration (MVA) and have 30 days to contest. After 30 days, if there is no request to contest or that the contest was unsuccessful, the parent is then referred to the MVA for license suspension. The MVA then notifies the parent that they have an additional 30 days to contest the action prior to any actual license suspension.



Advising parents of an impending driver's license suspension as early as possible creates an incentive for noncompliant parents to contact their local child support office to access the various services that may be available to them. Services may include employment programs, state-owed arrears forgiveness programs, and assistance modifying a child support order that no longer accurately reflects a parent's ability to pay following a material change in circumstances. The DLS program is an early intervention method critical to ensuring that parents avoid incurring excessive arrearages that could result in more aggressive enforcement mechanisms, including incarceration for contempt and additional penalties.

DHS recognizes that there is a difference between an inability to pay child support and unwillingness to pay. Therefore, when a driver license suspension negatively impacts an obligor's ability to pay child support, they can challenge a driver's license suspension because it would be an impediment to current or potential employment.

To be clear: CSA does not use any kind of lottery system in administering any part of the child support program, including the driver license suspension program.

We are happy to answer any questions or provide additional information to assist during your deliberations.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López
Secretary