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TESTIMONY IN SUPPORT OF HOUSE BILL 813

Child Support - Suspension of Driver's Licenses

TO: Members of the House Judiciary Committee

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

DATE: February 13, 2024

RE: HB 813 – Support

Thank you for the opportunity to present testimony in support of HB 813. 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.[ii]

Information provided by DHS for the fiscal note is incorrect. DHS incorrectly asserts that 29 new caseworkers will be necessary to determine income for whether obligors should be excluded from license suspensions. The child support agencies already have the income information, because the entire basis for how child support order amounts are determined are based on income from both parents.

I therefore submit this testimony in support of HB 813 and respectfully request a favorable report.

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[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%202_20_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

Total Supensions by Race (2015-2020)
- Other Races 6%
- Caucasian 23%
- African American 71%
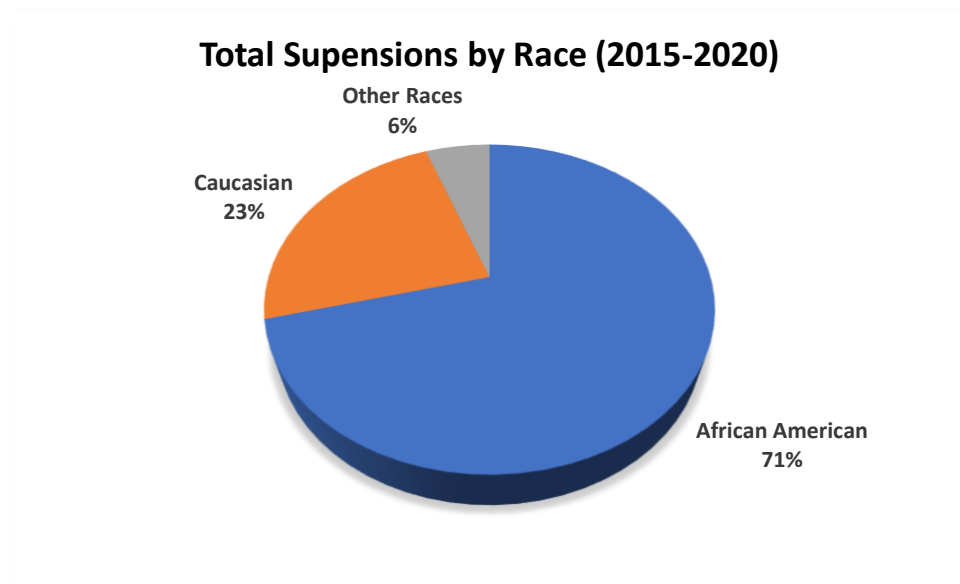
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions from 2015 to 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African Americans than Caucasians suffered DLS-CSA shows the disproportionate impact.

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

|	Calendar Year						
RACE	2015	2016	2017	2018	2019	2020	Grand Total
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.
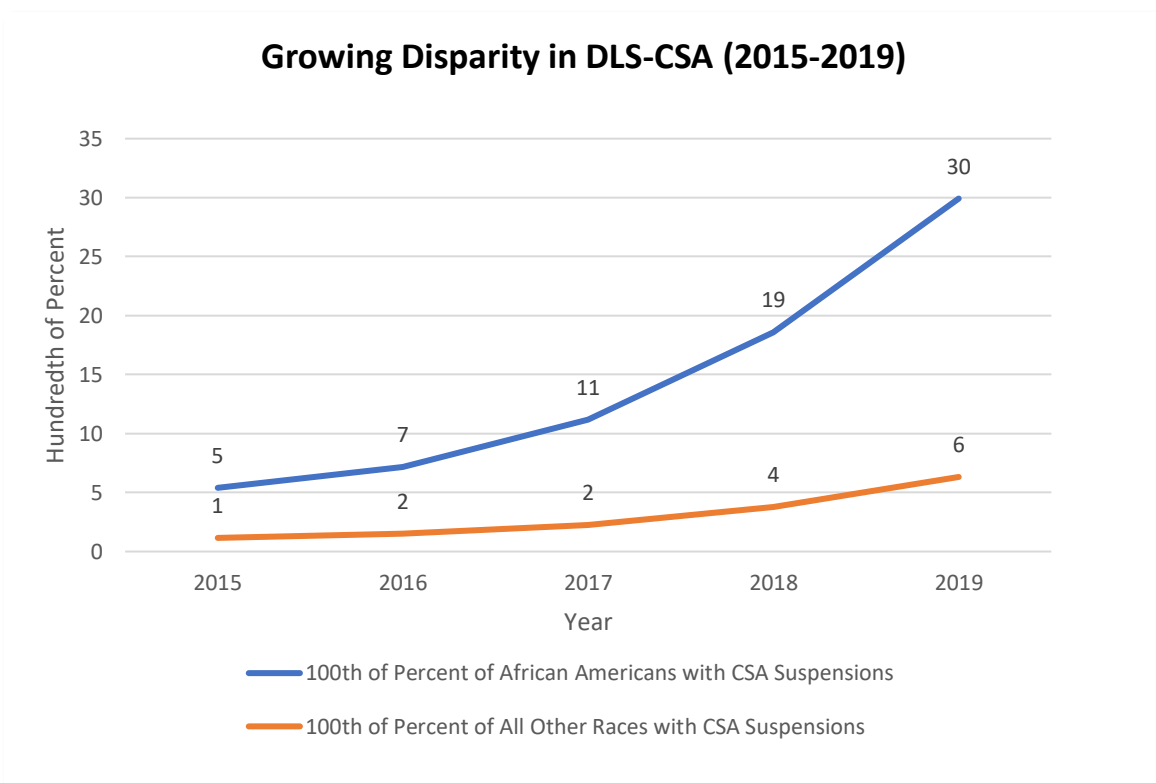
(b) POVERTY AND DLS-CSA

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.

Total Suspensions by County and Poverty Rate (2015-2020)
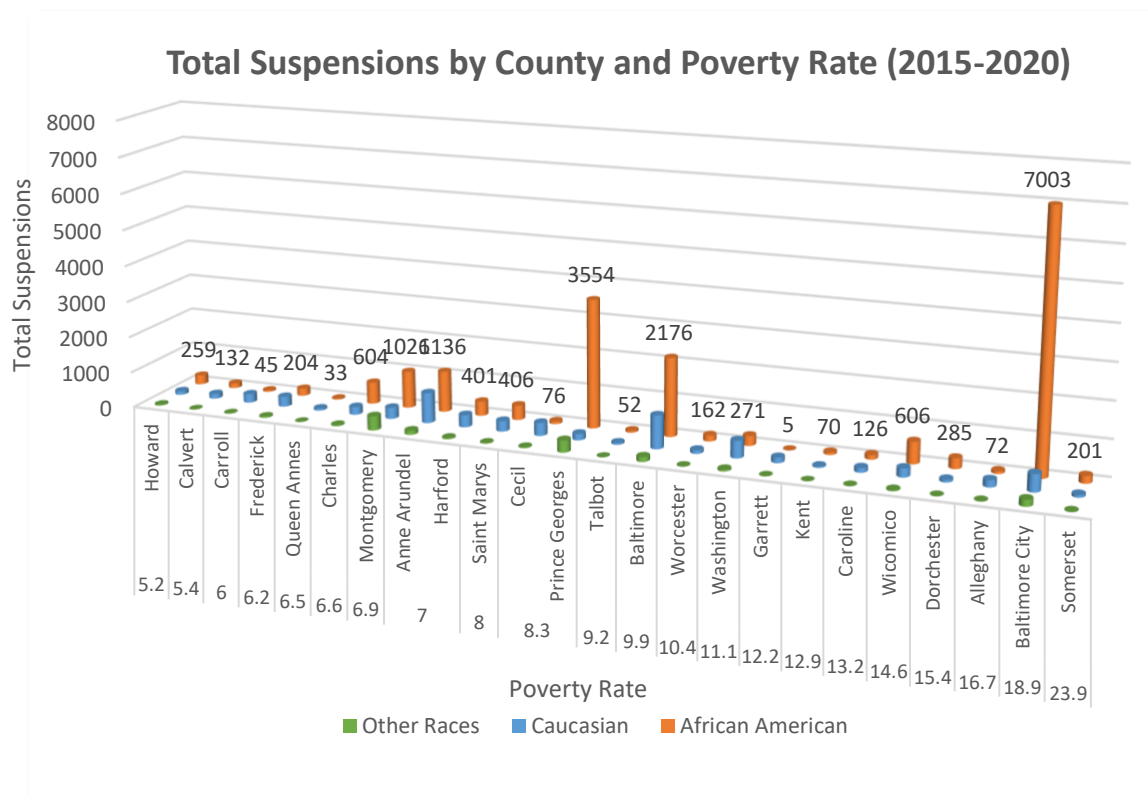
The picture painted is clear. Citizens of poorer counties suffer more. In 2018, the state of Maryland's poverty rate was 9.1%. Twelve (12) counties experienced poverty at higher levels than the state poverty rate while 11 experienced lower poverty rates. Residents in counties with poverty rates higher 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