

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 713 (Senator Middlebrooks)
Judicial Proceedings

Family Law - Child Support - Incarceration of Obligor

This bill prohibits a court from considering an individual's incarceration when modifying, staying, or terminating a child support obligation. If an individual is unable to make child support payments while incarcerated, the individual may be considered voluntarily impoverished. In addition, child support obligations will continue to accrue while the individual remains incarcerated.

Fiscal Summary

State Effect: None. Enabling child support obligations to accrue while an individual is incarcerated is not expected to increase AFDC-related child support collections.

Local Effect: None.

Fiscal Analysis

State Effect: Under current law a court may suspend an individual's child support obligations while the person is incarcerated, thereby reducing the total amount of arrearage owed to the custodial parent. This bill would require the child support obligations to accrue while the individual is incarcerated. However, since the incomes of most individuals released from jail are limited, AFDC-related child support collections are not expected to increase. For example, approximately \$936 million of total child support obligations in fiscal 1995 went uncollected, which represents 22% of total obligations owed. In addition, only 8% of prior years obligations were collected.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Fiscal Services

Fiscal Note History: First Reader - March 5, 1996

ncs

Analysis by: Hiram L. Burch Jr.

Direct Inquiries to:

Reviewed by: John Rixey

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710