

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1434 (Delegate C. Davis)
Judiciary

Child Support - Incarcerated Parents

This bill prohibits a court from awarding or modifying child support against a person incarcerated in Maryland until the court has provided the person with certain notice and considered certain evidence. It establishes a specified grace period for an award or modification of child support against persons who are or have recently been incarcerated. The bill authorizes the Child Support Enforcement Administration (CSEA) to request information from any correctional facility that could be of assistance in locating an absent parent and requires the correctional facility to provide CSEA with information regarding current and prior employees. It authorizes a circuit court to issue an order requiring a correctional facility to comply with a request for information and establishes a penalty for refusing to obey the court order. As part of its periodic review of child support guidelines, CSEA is required to determine the number of parents incarcerated while awards or modifications of child support are pending against them and the total estimated liability of these parents and report its findings to the General Assembly.

Fiscal Summary

State Effect: Potential minimal effect on revenues. No effect on expenditures, as discussed below.

Local Effect: Potential moderate increase in local child support enforcement agency expenditures. Revenues would not be affected.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Revenues: For illustrative purposes, approximately one-quarter of incarcerated persons owe child support arrearages totaling \$27 million. 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. Since the incomes of most individuals who are incarcerated or recently released from a correctional facility are limited, any decrease in Temporary Cash Assistance (TCA) child support collections resulting from the bill's safeguards for inmates is assumed to be minimal. By the same token, any increase in TCA child support collections resulting from the bill's authorization of CSEA to request information from any correctional facility that could be of assistance in locating an absent parent is also assumed to be minimal in the short-term. Child support collections could presumably increase in the long-term due to an absent parent located in a correctional facility who, once released, obtains employment and makes child support payments. Further, it is assumed that correctional facilities would comply with CSEA's requests for information, thereby eliminating the need to assess penalties.

State Expenditures: Division of Correction expenditures would not be affected because the division is already required under current law to provide information regarding its employees. Further, CSEA is already authorized to request assistance in locating an absent parent from any State agency.

Local Expenditures: Local child support enforcement agency expenditures could increase by a moderate amount because the bill's provisions create additional workload such as keeping track of child support obligors who are in prison for notification and calculation of child support purposes. For example, Prince George's County advises that the bill would require the addition of one paralegal position. The Department of Fiscal Services advises that the need for additional positions will vary by jurisdiction, depending on the number of inmates who owe child support. It is possible that certain jurisdictions may require additional staff while others may not.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Human Resources, Prince George's County, Garrett County, Department of Fiscal Services

Fiscal Note History: First Reader - March 17, 1997

ncs

Analysis by: Sue Friedlander
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710