

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 37 (Senators Middlebrooks and Munson)
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: Negligible. Enabling child support obligations to accrue while an individual is incarcerated is not expected to materially increase Temporary Cash Assistance (TCA)-related child support collections.

Local Effect: None.

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

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, TCA-related child support collections are not expected to materially increase.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office

of the Courts), Department of Fiscal Services

Fiscal Note History: First Reader - January 9, 1997

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