

Department of Legislative Services  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**

House Bill 442 (Delegate Flanagan)

Judiciary

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**Child Support - Voluntary Impoverishment - Incarceration**

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This bill authorizes a court to consider voluntary impoverishment as a result of incarceration as a material change of circumstances for the purpose of modifying a child support obligation. Child support obligations may continue to accrue while an individual remains incarcerated and may be due upon the release of the parent from incarceration. If a parent is voluntarily impoverished, the parent may be required to use other assets to satisfy a child support obligation.

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**Fiscal Summary**

**State Effect:** Indeterminate effect on revenues. Expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Revenues:** Two provisions of the bill could have the effect of increasing child support collections: (1) authorizing child support obligations to accrue while an individual is incarcerated; and (2) authorizing the court to require a voluntarily impoverished parent to use other assets (besides income) to satisfy a child support obligation. However, since the incomes of most individuals released from jail are limited, temporary cash assistance (TCA) related child support collections as a result of the incarceration provision are not expected to materially increase. It is not possible to reliably estimate the amount of increased TCA child support collections resulting from the voluntarily impoverished parent provision, but it is likely to be minimal since it would apply to a limited number of individuals.

The provision authorizing a court to consider voluntary impoverishment resulting from

incarceration for the purpose of modifying a child support obligation could have the effect of decreasing child support collections. Any such decrease would depend on the extent to which a court (1) considers an incarcerated individual to be voluntarily impoverished; and (2) determines that a child support obligation should be decreased.

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

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