

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 115
Judiciary

(Delegate Jones)

Judicial Proceedings

**Social Security Numbers - Mandatory Inclusion on Marriage and Recreational
Fishing License Applications**

This emergency bill requires each party to provide his or her Social Security number when applying for a marriage license or any recreational license issued by the Department of Natural Resources. The Social Security numbers may not be disclosed except to a person in interest or, on request, to the Child Support Enforcement Administration.

Fiscal Summary

State Effect: Special fund revenues would increase to the extent that the bill facilitates the collection of child support. Enactment of the bill could prevent the loss of up to all the federal Temporary Assistance to Needy Families (TANF) block grant (\$229.1 million), child support enforcement incentive payments (\$66.8 million), and cooperative reimbursement and incentive payments to the Judiciary for child support enforcement activities (\$2.6 million). Applicable criminal penalty provisions would not significantly affect governmental finances.

Local Effect: Enactment of the bill could prevent loss of up to \$2.5 million in cooperative reimbursement grants from the Judiciary to provide child support services through the clerks of court. Federal incentive payments of \$150,000, which provide child support initiatives in local offices could also be eliminated.

Small Business Effect: None.

Analysis

Current Law: Applicants for a marriage license must provide specified information on a marriage application including names, place of residence, ages, and whether the applicants are related by blood or marriage and the degree of that relationship. Applicants must also disclose any previous marriages and information on the termination of any former marriages. The license application is required to provide spaces for the voluntary disclosure of Social Security numbers by the applicants. If Social Security numbers are disclosed, the clerk is required to place them on the marriage license certificate forms as specified by statute.

If the parties to be married are not residents of the county where the ceremony is to be performed, the clerk is required to accept an affidavit with specified information from the parties, instead of an application.

A person may not:

- willfully or knowingly violate any provision relating to access to public records;
- fail to petition a court after temporarily denying access to a public record; or
- by false pretenses, bribery, or theft gain access to or obtain a copy of a personal record whose disclosure is prohibited to the person by law.

A person who violates any of these provisions is guilty of a misdemeanor and is subject to a maximum fine of \$1,000.

A “person in interest” means a person or governmental unit that is the subject of a public record, or if the person has a legal disability, the parent or legal representative of the person.

Background: Federal welfare reform legislation, known as the Personal Responsibility and Work Opportunity Reconciliation Act, was passed in 1996. In addition to significantly changing the administration of welfare, it also contained numerous provisions changing the administration of child support enforcement. The federal government requires State compliance with all the federal child support enforcement provisions. The federal sanction for noncompliance is loss of up to all of the State block grant for TANF and the grant and incentive payments provided for the State child support enforcement program.

Federal law requires states to establish procedures so that the Social Security numbers of applicants for marriage licenses, as well as other recreational, occupational, and professional licenses, are recorded on the applications. The provision is intended to provide additional resources for location of parents who may owe child support.

In October 2002, DHR received an official notice of intent to disapprove Maryland's "IV-D" plan from the U.S. Department of Health and Human Services (DHHS). This plan outlines how the State will provide child support enforcement services. The State was given an opportunity for a predecision hearing and that hearing was requested in December. The notice of intent to disapprove the plan is due, in part, to the absence of a State requirement for inclusion of Social Security numbers on marriage and recreational license applications. There were also other noncompliance issues cited. DHHS has stated that disapproval of Maryland's IV-D plan could mean that the federal government will withhold the State's entire allotment for the TANF program (\$229.1 million in federal fiscal 2002) and all cooperative reimbursement payments for child support services (\$66.8 million). A condition of eligibility for TANF block grants is that Maryland operate a child support enforcement program under an approved IV-D plan.

The Judiciary also advises that it receives federal funding for child support enforcement activities. This funding could also be at risk if Maryland's IV-D program remains out of compliance. The Judiciary has an arrangement with DHR to provide some child support enforcement services through the clerks of the court and masters in the family services program. The Judiciary receives \$2.5 million in federal cooperative reimbursement funds to pay 66% of the salaries of clerks of court and masters who provide those child support services. The remaining 34% of these salaries is financed by general funds. If the federal funds were withheld, these salaries would still be paid, but additional general funds would be needed.

The Administrative Office of the Courts (AOC) began receiving federal incentive payments for certain child support initiatives in October 2001. AOC currently receives about \$150,000 in federal incentive funds. The monies are used to provide training, improve data management, and to provide new programs such as the fatherhood pilot programs that currently exist in two jurisdictions. These programs are funded entirely with federal funds, and would likely not continue if the incentive funds are withheld.

State Fiscal Effect: Special fund revenues could increase to the extent that the provisions in this bill increase child support collections. Temporary cash assistance (TCA) recipients must assign their support rights to the State and federal government as partial reimbursement for TCA payments made on behalf of the children of the obligor; as a result, TCA child support collections are distributed 50% to the State and 50% to the federal government. Any such increase cannot be quantified at this time due to the unavailability of data.

DHR advises that if the provisions of this bill relating to inclusion of Social Security numbers are not enacted, the federal government could rescind the State's entire federal grant for TANF, which totals about \$229.1 million, and also rescind the State's entire federal grant for child support enforcement services, which totals \$66.8 million. The formal DHHS notice of intent to disapprove the Maryland plan, as discussed above,

indicates that the sanction of withholding the entire TANF block grant and child support enforcement cooperative reimbursement payments is being given serious consideration.

The Judiciary advises that if DHHS disapproves the State's IV-D plan and the full complement of child support enforcement funding is withheld, then that would include \$2.5 million in federal cooperative reimbursement grants that the Judiciary receives for child support functions and \$150,000 in federal incentive payments for child support initiatives.

Local Fiscal Effect: Federal funding for child support services and child support initiatives received by the Judiciary is provided in the form of grants to clerks of court offices and family services programs for services. Disapproval of the State IV-D plan could mean withholding of up to \$2.5 million in grants for child support services in local offices. It could also mean withholding \$150,000 in grants to local offices for training, data management, fatherhood programs, and other child support enforcement initiatives.

Additional Information

Prior Introductions: Provisions requiring the inclusion of Social Security numbers on marriage license applications were included in HB 1074/SB 636 of the 1997 session. HB 1074, as amended, deleted the Social Security provision. It passed the House and was referred to the Rules Committee, where it was not reported out. The provisions relating to Social Security numbers were amended out of SB 636 before it was passed by the General Assembly and enacted as Chapter 609 of 1997.

Cross File: None.

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

Fiscal Note History: First Reader - February 10, 2003
mam/cer Revised - House Third Reader - March 21, 2003

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510