DATE: March 12, 2020

BILL NUMBER: SB 1006 **COMMITTEE:** Judicial Proceedings

BILL TITLE: Child Support – Suspension of Arrears for Incarcerated Obligors

DHR POSITION: Support

PRESENTED BY: Kevin P. Guistwite, Executive Director Child Support Administration, Department of Human Services

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Thank you Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee. I am Kevin Guistwite, Executive Director for the Child Support Administration (CSA) within the Maryland Department of Human Services (DHS). Thank you for the opportunity to testify in support of SB 1006.

SB 1006 would bring Maryland Statute into compliance with Title 45 of the Code of Federal Regulations (CFR) § 303.8, which was modified by the Federal Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM) rule that took effect on January 19, 2017. One of the main purposes of the FEM Rule is to reduce the accumulation of unpaid child support arrears. This is of particular importance to families dependent on an incarcerated parent with a support obligation.

Research studies, such as the Abell Foundation's "*Reforming Child Support to Improve Outcomes for Children and Families*", have shown incarcerated parents often do not understand the child support process and are unaware of how a child support debt may accrue during incarceration, even though the parent does not generate income in prison. The study found that upwards of 30 percent of current child support cases in Baltimore City involve current or formerly incarcerated parents. Arrearages can increase to a point where once the obligor is released he or she is burdened with a debt that cannot be reasonably paid. This only serves to reduce overall compliance and ultimately harm the children dependent on the support. Currently, Maryland Family Law §12-104.l (b) states that a child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated for 18 consecutive months or more.

This legislation will amend Maryland Family Law §12-104.l (b) to state that a child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated, and continuing for 60 days after the obligor's release from confinement, if "the obligor was incarcerated for more than 180 consecutive calendar days."

By reducing the length of incarceration in the statute from 18 months to 6 months, SB 1006 complies with the FEM Rule while recognizing the necessity of reforming how child support debt accumulates for incarcerated parents in Maryland. Further, passage of SB 1006 preserves the federal grant for child support services which totals $95 million, and approximately $11 million in child support incentives, as well as the federal grant for Temporary Assistance to Needy Families (TANF), which totals about $229 million.

For these reasons, I strongly urge a favorable report by the Committee for SB 1006. Thank you for the opportunity to testify in support of this bill and I am happy to answer any questions you may have.