



Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF HB0148:
Family Law - Nonpayment of Child Support - Sentencing

TO: Delegate Luke Clippinger., Chair, and Members of the Judiciary Committee

FROM: Christopher Dews, Policy Advocate

DATE: January 23, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. JOTF supports House Bill 148 as a means to prevent the abuse of a family law loophole allowing for a judge to sentence an individual with consecutive three-year terms for the inability to pay their obligatory fines.

The law, as currently applied, states that a parent may not “willfully” fail to provide support for his/her minor child. A violator is guilty of a misdemeanor and subject to a maximum penalty of a \$100 fine and/or three years imprisonment. This penalty stands *somewhat* within reason. What is not within reason is a loophole being exploited where individuals with multiple unpaid cases are having the maximum penalty of three years stacked consecutively against them. Some face a potential decade of incarceration for the non-violent, non-criminal offense of not paying a bill.

Consider the effect that a possible decade of incarceration will actually have on the family. The children will be unable to access or spend time with their beloved parent which can have harmful long-term effects on the child’s psyche and development. No child benefits from an incarcerated parent enduring an extended sentence. Make no mistake, working non-custodial parents often have no issue spending time (and money) on their biological children. The resistance to paying the fines lies with loosely handing over hard-earned money to their former partner knowing that the money could possibly be mismanaged or allocated in the wrong direction without oversight.

Even so, the vast majority of custodial parents simply want financial support and not excessive prison time for their former partner. While incarcerated for such a lengthy stint, the non-custodial parent will lose their current occupation- ceasing any payments or bonding time spent with the children. This is of no benefit to the custodial parent at all.

For the incarcerated parent, the psychological trauma that results from consecutive sentencing diminishes their employability skills, forecloses their unmanaged assets and scars them for life. How does the State, the economy, or the family benefit from this judicial abuse? Simply put, they don’t. No one does. This consecutive sentencing loophole is a detriment to our society.

To be clear, an individual losing one's freedom for the inability to pay a fine is quite egregious as it is. As we all know, a citizen's incarceration lays a heavy fiscal toll on the state- money that could desperately be distributed in other areas. Therefore, it seems unwise to double or triple the incarceration length for someone's inability to pay a bill. The already regulated three-year penalty is much more than enough to satisfy the spirit of the law.

House Bill 148 requires that any sentence imposed due to an individual's failure to provide support for a minor child must be served *concurrently* with any other sentence imposed the same offense- eliminating the possibility of excessive prison time. For these reasons, JOTF urges a favorable vote on House Bill 148.