



**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornelia Bright Gordon, Esq.**  
Director of Advocacy  
for Administrative Law  
(410) 951-7728  
cbgordon@mdlalab.org

**Gregory Countess, Esq.**  
Director of Advocacy  
for Housing & Community  
Economic Development  
(410) 951-7687  
gcountess@mdlalab.org

**Anthony H. Davis, II, Esq.**  
Director of Advocacy  
for Consumer Law  
(410) 951-7703  
adavis@mdlalab.org

**Erica I. LeMon, Esq.**  
Director of Advocacy  
for Children's Rights  
(410) 951-7648  
elemon@mdlalab.org

**Bobbie Steyer, Esq.**  
Director of Advocacy  
for Family Law  
(410) 951-7737  
bsteyer@mdlalab.org

**Julianne Kelly Tarver, Esq.**  
Director  
Pro Bono Program  
(410) 951-7642  
jkelly@mdlalab.org

**Meaghan McDermott, Esq.**  
Director  
Community Lawyering Initiative  
(410) 951-7635  
mmcdermott@mdlalab.org

**EXECUTIVE STAFF**

**Wilhelm H. Joseph, Jr., Esq.**  
Executive Director

**Stuart O. Simms, Esq.**  
Chief Counsel

**Gustava E. Taler, Esq.**  
Chief Operating Officer

**Administrative Offices**  
500 East Lexington Street  
Baltimore, MD 21202  
(410) 951-7777  
(800) 999-8904  
(410) 951-7778 (Fax)

www.mdlalab.org  
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The Honorable William C. Smith, Jr.  
Chairman, Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

**Re: Maryland Legal Aid's Testimony in Support of Senate Bill 0402  
Driver's Licenses – Suspension for Child Support Arrearages –  
Repeal**

Dear Chairman Smith, Senator Carter and committee members:

Thank you for the opportunity to testify in support of Senate Bill 0402, legislation that would repeal the Child Support Enforcement Agency's authority to suspend driver's licenses for child support arrears. This letter serves as notice that Stacy Bensky, Esq. will testify in support of SB402 on behalf of Maryland Legal Aid at Senator Carter's request.

Maryland Legal Aid (MLA) is a private, nonprofit law firm that provides free legal services to indigent Maryland residents in a wide array of civil matters, including family law. In October 2018, MLA began accepting child support cases for full representation. The majority of MLA child support clients are non-custodial parents, or obligors, who are ordered to pay child support through the Child Support Enforcement Agency ("the Agency"). MLA's representation of these clients has revealed inequities in the child support enforcement system and, in particular, the automated driver's license suspension system, which criminalizes poverty and disproportionately affects indigent obligors. MLA supports SB 0402 and asks this committee give it a favorable report.

MD Code Family Law 10-119 permits the Agency to suspend an obligor's driver's license if the obligor's child support payments are 60 days or more out of compliance. However, that authority is limited. 10-119 bars the Agency from referring obligors to the MVA for driver's license suspension if they have a documented disability resulting in a verified inability to work. Despite this, MLA clients who have verified disabilities, and who receive disability benefits as a sole form of income, are routinely referred to the MVA for license suspension. 10-119 also bars the Agency from referring obligors for license suspension if the client is in compliance with a payment agreement. Yet MLA clients paying in accordance

with such agreements through earnings withholding order (EWO) every month are routinely referred to the MVA for license suspension.

These MVA suspension referrals occur because the Agency's driver's license suspension system is automatic and random. Thus, any obligor with 60 days or more of arrears is automatically in the randomized pool of people who can potentially be referred to the MVA for license suspension. The automatic driver's license suspension referrals routinely violate the enumerated exceptions in the statute

These suspension referrals are particularly egregious for MLA clients with disabilities, as most disabled obligors only accrued arrears because of a disability connected inability to work. Moreover, many MLA clients' arrears have accrued for years due to difficulties navigating the court process to obtain disability related modifications of their child support orders.

Randomized and erroneous license suspension referral also has a particularly adverse effect on older adults. Many MLA clients are senior citizens, with now adult children, but child support arrears are still owed to the State of Maryland to repay the State for public assistance from when the children were young. MLA's older adult clients are on limited and fixed incomes and pay on these arrears each month through earnings withholding orders. The proposed legislation will correct erroneous license suspension referrals for these older adult clients living on a fixed income and paying arrears via such withholding orders.

Once an erroneously suspended license is reinstated, that is merely a temporary solution. If the obligor still has 60 days or more worth of arrears then the client is still in the pool of people who can be referred for license suspension, and often will receive another license suspension notice a few months later.

Moreover, clients living in poverty often have unstable housing and no stable mailing address. Thus, obligors are not notified effectively that their license is going to be suspended. When these clients then discover the issue during a routine traffic stop, they receive a criminal citation for driving on a suspended license. A "driving on a suspended" conviction has devastating consequences, particularly in terms of barriers to employment, as this charge is not expungeable in Maryland, despite being a misdemeanor. A non expungeable charge locks in any previous charges that otherwise would have been expungeable.

Driver's license suspensions for child support arrears disproportionately have adverse and life altering impacts for those living in poverty. SB 0402 will limit these negative effects and increase equity for MLA clients.

MLA supports SB 0402, a repeal of the statutes that authorize driver's license suspensions for child support arrears, will have long term positive impacts on marginalized communities – not only on obligors, but their children, families, and low income communities across Maryland. MLA thanks you for the opportunity to provide input and urges the committee to give SB 0402 a favorable report.

/s/ Stacy Bensky

Stacy Bensky, Esq.

**Staff Attorney, Maryland Legal Aid**

410-951-7755 (Office Phone)

sbensky@mdlalab.org