
To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Rebecca A. Fleming, Esquire

Date: February 5, 2021

Subject: **Senate Bill 402:**
Driver’s Licenses – Suspension for Child Support Arrearages – Repeal

Position: **OPPOSE**

The Maryland State Bar Association (MSBA) FJLSC **opposes Senate Bill 402 – Driver’s Licenses – Suspension for Child Support Arrearages – Repeal.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Currently, Maryland Law Family Law Article § 10-119 provides for the suspension or the restriction of a person’s driver’s license if that person owes child support arrears and the child support obligation is subject to enforcement through the Office of Child Support Enforcement. The current law provides for suspension, the issuance of a work-restricted license, or work restricted privilege to drive. It also requires that the obligor shall receive written notice of the intended suspension, and provides the obligor with an opportunity to request an investigation prior to the suspension. The obligor may submit an objection on the basis of an inaccuracy in the stated arrearage. He or she may also oppose the suspension based upon the impact the suspension would have on his or her ability to obtain or maintain employment, or based upon an undue hardship that would be placed on him or her.

The FJLSC does not believe that the current law should be repealed. The Child Support Enforcement Administration has very few tools by which it can enforce child support orders. The

ability to suspend the license of an obligor who is not paying anything in support of their child or children, is one of the only enforcement tools that is available. The difficulties in enforcing child support orders is felt throughout the state, in every jurisdiction. Court orders are routinely ignored by obligors leaving single parents shouldering the burden on their own, and leaving children without the support that they are entitled to.

Further, most Offices of Child Support Enforcement will not suspend an obligor's license if the obligor is making the most minimal payments toward the obligation. At times, it is easy for an obligor to avoid having his or her license suspended. In some cases, payment of even a small fraction of the obligation will prevent a license from being suspended. That, in and of itself, is a travesty. To see an obligor pay ten dollars per month, for example, and avoid any repercussion for failing is offensive to the FJLSC, a board comprised of attorneys who believe that children should receive the support that they are entitled to.

The FJLSC is aware that there is an argument that this law adversely affects low income parents who are not able to pay the support that has been ordered. The law is clear that the support should be established based upon the incomes of the parties, and if there is a change in the income levels of either parent, the child support can, and should, be modified. In addition, there are mechanisms within the current law that should prevent a person who truly should not have his or her license suspended from being subject to that penalty. If the current law does adversely affect low income parents, then that specific issue should be addressed in another manner, possibly by amending the current law. There must be a better solution that would protect low income obligors from being overburdened with an inappropriate support amount, or having their licenses inappropriately suspended. Repealing Family Law Article § 10-119, is not that solution. Repealing Family Law Article § 10-119 would only serve to make it that much easier for parents who *can* meet their obligation to simply refuse to do so. It is already difficult enough to enforce child support orders. If the few enforcement mechanisms that exist are eliminated, the State might as well tell obligors that they may pay support, if they so choose. Obligor who *can* pay their support must know that there is a consequence for their failure to do so.

In an effort to ensure that children receive the support that they are entitled to, the FJLSC urges the Senate Judiciary Committee to issue an unfavorable report on SB 402.

Should you have any questions, please contact Rebecca A. Fleming, Esquire by e-mail at rfleming@tnsfamilylaw.com or by telephone at (410) 339-4100.