

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am testifying in support of **Senate Bill 394**.



Senate Bill 394 will require sentences to a non-custodial parent for failure to pay child support to run concurrently with sentences for other charges.

"They're struggling [...] to keep themselves from drowning [but] you're going to make them drown". This is how Printess Doughty, a Maryland resident, responded when asked by the Baltimore Sun to explain the strains the current child support system places on African American communities and parents. A system whose current punitive structures readily plunges struggling parents into the depths of cyclical debt. The current statutes enforcing child support payment allow not for leniency, but for "stacking" corrective sentences against a parent. Without designated sentencing guidelines, as outlined in Senate Bill 394, a court has the ability to lengthen a sentence by tacking on separate convictions, despite each conviction being rooted in the same set of facts, the same circumstances, and, without any hesitation, a conviction that is normally a three-year sentence is now a seven-year imprisonment.

The primary purpose of Section 10-203 is to enforce child support payments. However, compounding punishments does not equate to an increased likelihood of payment from a parent. In fact, tacking on additional sentences, leading to longer imprisonment, not only narrows a parent's ability to find employment upon release, but punishes the child as they are further ostracized from a parent and are the direct subject to the accumulating unpaid debt the parent is battling as incarceration detracts their earning power. Additionally, accumulating sentences due to nonpayment inadvertently targets communities with lower socioeconomic powers and thus results in more people incarcerated without being provided the tools to pay off the debt their conviction was based on. According to The Abell Foundation's 2019 report, "the main reason for nonpayment is the inability to pay the order amount. Contrary to the stereotype of the "deadbeat parent," almost all noncustodial parents who fail to pay child support are poor. They have unstable employment and low earnings, and a significant number have a history of incarceration. One-quarter of all noncustodial parents with a child support case in the Maryland child support caseload receive Supplemental Nutrition Assistance Program (SNAP) benefits, one indicator of low income and food insecurity." Enacting punishment without the goal of repairing the causes of the punished behavior doesn't make us a better society, but rather reveals a system of neglect and intentional harm to individuals who need government assistance the most.

Child support, by definition, is intended for a child's wellbeing and development. However, by allowing our punitive system to compound longer, harsher sentences instead of allowing sentences to be run concurrently, we punish the child as we further incapacitate their struggling parent. In only 10 zip codes within Baltimore, parents within the child support system owe a collective \$233 million, the majority of this money is predominantly uncollectible. It is important to note that this does not mean the parent of the custodial child is not receiving payment, but rather the payments are covered by the government. Harsher punishments do not reward the child, and longer sentences will not ensure this money is repaid. Without SB0394, we create a vicious cycle of compounding incarceration against those who are drowning under the rising swell of financial insecurity. The goal of child support enforcement should be ensuring successful parenting, not a justification for punitive gluttony.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 394**.

Sincerely,
Jonathan Smeton
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Showing Up for Racial Justice Baltimore