

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 402
Driver's Licenses – Suspension for Child Support Arrearages -
Repeal
DATE: January 27, 2021
(2/9)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 402. This bill repeals the process under which the Child Support Administration is authorized to notify the Motor Vehicle Administration of an individual's child support arrearages for the purpose of suspending the individual's driver's license or privilege to drive.

The Judiciary is concerned that enactment of this legislation may affect Maryland's receipt of federal child support funds under Title IV-D of the Social Security Act, 42 USC § 651 *et seq.* Section 666(a)(16) of the act requires each state to have in effect laws requiring the use of certain procedures, including "[p]rocedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses . . . of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings."

The act also permits states to seek an exemption for these and other requirements. If this bill is enacted and an exemption is not received, the Judiciary could lose Title IV-D funds, which covers approximately 65% of the salary and benefits for magistrates and clerks who work on Title IV-D child support cases. In FY 20, the Judiciary received \$4,821,749 in Title IV-D funds.

Further, this bill would remove a vital tool used by the courts to require compliance with child support orders. In addition, it is unnecessary as current law provides the courts as well as the individual bureaus of support enforcement wide discretion in reinstating a person's driving privileges.

cc. Hon. Jill Carter
Judicial Council

Legislative Committee
Kelley O'Connor