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## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB 0262 - Family Law - Nonpayment of Child Support - Sentencing**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 01/30/2022**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 262.

I have worked for the Office of the Public Defender for over 28 years. Over the course of my career, I have been a line attorney representing those charged with child support contempt. Currently I supervise multiple Problem Solving Courts where one of the conditions to graduate is that the participant be paying their court ordered child support. I would like to see an end to incarceration as a means of ensuring enforcement for payment of child support. There are societal shortcomings that impact the ability to financially support oneself, let alone a family, and until we fix them incarceration only further stigmatizes and punishes instead of affecting any real change in behavior.

I have never had a client who did not want to support their child or claimed a desire to abandon their responsibilities. Most of the individuals have been those with prior and/or current criminal justice involvement or convictions who are in low paying or unskilled jobs. Those convictions, even convictions far in the past, have caused clients to not qualify for jobs, or if employed to lose good paying jobs because the employer is “uncomfortable” with employing someone with a record. I had one client call me crying to explain that although he met the criteria to work moving pallets in the warehouse of a chain grocery store and they liked him during his interview, that because of his record, they would not hire him. As he cried his heart out to me, he kept repeating “it’s only a job to move pallets, I’m not interacting with customers or handling money...it’s just moving pallets”.

I currently have a client, who is a participant in a Problem Solving Court and in residential treatment who is currently detained because of a writ for non-payment of child support. She was arrested on the writ when she went to the Motor Vehicle Administration to obtain identification so she could obtain employment. Because she was arrested in a different county than where the writ was issued, she will be held, presented to a Circuit Court judge in that other County and hopefully transported to Prince George's County within the next week and a hearing on her release will be scheduled thereafter. This now creates the additional problem of her losing her bed at her treatment program because she is absent without permission. She is struggling to become a better person, deal with her addiction and obtain employment, but this detention may set her progress back, especially if she loses her bed in treatment.

The barriers to obtain decent jobs that pay a wage commensurate with living and taking care of a family are innumerable. These individuals have served their time and paid their debt to society. To punish them for being unable to financially support their children, by incarcerating them, and further breaking their spirits should be unconscionable. It is also counterproductive.

The Maryland Office of the Public Defender hopes that we could eliminate incarceration as an option for these offenses. However, as positive step in that direction, we support the efforts of HB 262 to ensure that a conviction under this section does not extend the unnecessary time spent in jail.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 262.**

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**Submitted by:** Government Relations Division of the Maryland Office of the Public Defender.

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