

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF HB0262: **Family Law - Nonpayment of Child Support - Sentencing**

TO: Delegate Luke Clippinger., Chair, and Members of the Judiciary Committee

FROM: Christopher Dews, Senior Policy Advocate

DATE: February 2, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. JOTF supports House Bill 262 as a means to prevent the abuse of a family law loophole allowing for a judge to sentence an individual with consecutive three-year terms for the inability to pay child support.

The law, as currently applied, states that a parent may not “willfully” fail to provide support for his/her minor child. A violator is guilty of a misdemeanor and subject to a maximum penalty of a \$100 fine and/or three years imprisonment. This penalty stands somewhat within reason. What is not within reason is a loophole being exploited where individuals with multiple unpaid cases are having the maximum penalty of three years stacked consecutively against them. Some face a potential decade of incarceration for the non-violent, non-criminal offense of not affording child support.

Consider the effect that a possible decade of incarceration will actually have on the family. The children will be unable to access or spend time with their relative which can have harmful long-term effects on the child’s psyche and development. No child benefits from an incarcerated parent enduring an extended sentence. Make no mistake, working non-custodial parents often have no issue spending time (and money) on their biological children. The resistance to paying the fines lies with loosely handing over hard-earned money to their former partner knowing that the money could possibly be mismanaged or allocated in the wrong direction without oversight. Familial relationships are often wrought with complexities and contradictions that are usually detrimental to the children.

Even so, the vast majority of custodial parents simply want financial support and not excessive prison time for their former partner. While incarcerated for such a lengthy stint, the non-custodial parent will lose their current occupation- ceasing any payments or bonding time spent with the children. This is of no benefit to the custodial parent at all.

For the incarcerated parent, the psychological trauma that results from consecutive sentencing diminishes their employability skills, forecloses their unmanaged assets, and scars them for life. How does the State, the economy, or the family benefit from this judicial abuse? Simply put, they don’t. No one does. This consecutive sentencing loophole is a detriment to our society.

To be clear, an individual losing one's freedom for the inability to pay child support is quite egregious as it is. As we all know, a citizen's incarceration lays a heavy fiscal toll on the state, roughly \$38k annually-money that could desperately be distributed in other areas. Therefore, it seems unwise to double or triple the incarceration length for someone's inability to pay child support. The already regulated three-year penalty is much more than enough to satisfy the spirit of the law.

House Bill 262 requires that any sentence imposed due to an individual's failure to provide support for a minor child must be served concurrently with any other sentence imposed for the same offense-eliminating the possibility of excessive prison time. For these reasons, JOTF urges a favorable vote on House Bill 262.