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TESTIMONY IN SUPPORT OF SENATE BILL 164/ HOUSE BILL 326

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary and Senate Judicial Proceeding Committee

FROM: Antoin Quarles, Executive Director

Helping Oppressed People Excel support(s) SB0164 as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside their county](#) for employment. This statistic is more pronounced for lower-income communities of color, where there is a scarcity of jobs available by public transit. Only [9% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. They will never pay this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support, an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.



SENATE BILL 164/ HOUSE BILL 326 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. No evidence suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on SENATE BILL 164/ HOUSE BILL 326.

SB0164_FAV_JOTF.pdf

Uploaded by: Christopher Dews

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 0164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

DATE: February 2nd, 2023

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. JOTF supports Senate Bill 164 as means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

An Abell Foundation [report](#) found that across Maryland, 50 percent of noncustodial parents in the state child support program caseload were employed in 2017, and 43 percent of these earned minimum wages or less but owe an average of \$10,000 in unpaid arrearages. In Baltimore, 57 percent of noncustodial parents were employed and 47 percent earned the minimum wages or less but owed an average of \$13,300 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility.

[Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. Until [recently](#), driving on a license suspended for child support came with similar penalties. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Additionally, [a report cited](#) by the Abell Foundation found that 42% of individuals who had their licenses suspended lost jobs as a result of the suspension, 45% of those who lost jobs could not find another job, and 88% of those that were able to find another job reported a decrease in income (Voorhees, 2006).

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments. In a recent study, the University of Baltimore also found that:

- On average, African American residents are almost **5 times more** likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in both counties that had lower and higher poverty rates than the state of Maryland's poverty average.

There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears for persons making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. However, Maryland continues the practice of suspending lower-income obligors arguing a need to comply with federal law.

[Federal Code 42 U.S.C.A. § 666 \(a\)](#) demands that all States have laws that "increase the effectiveness of the [child support enforcement] program which the state administers" and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in "[appropriate cases](#)" (16). Simply put, if Maryland does not have a suspension program for those who are non-compliant, the state could risk losing access to federal funds.

JOTF believes that driver's license suspensions for workers who make less than \$41k annually cannot be considered "appropriate" or increasing "effectiveness" as it (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties which, in turn, decreases compliance rates. As such, Maryland should pass Senate Bill 164 to repeal driver's license suspensions as a penalty for obligors who make less than \$41k per year (300% FPL).

If Maryland truly wants to stay in compliance with federal statutes regarding child support enforcement, the most effective way to accomplish this would be to ensure that all non-custodial parents have the financial standing to remain in compliance with their obligation. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way the Child Support

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on Senate Bill 164.

For more information, contact:

Christopher Dews / Policy Consultant / Christopher@jotf.org / 301-412-5399

Testimony SB 164 - Daniel Hatcher.pdf

Uploaded by: Dan Hatcher

Position: FAV

TESTIMONY IN SUPPORT OF SB 164:**Driver's Licenses - Suspension for Child Support Arrearages - Exception**

TO: Hon. William C. Smith, Jr., Chair, and members of the Senate Judicial Proceedings Committee

FROM: Daniel Hatcher, Professor of Law, University of Baltimore School of Law, Civil Advocacy Clinic,

DATE: February 2, 2023

RE: SB 164 – Support

Dear Chairman Smith and members of the Committee:

Thank you for the opportunity to present testimony in support of SB 164. I am a law professor at the University of Baltimore, teaching the Civil Advocacy Clinic where students represent low-income clients. My research and scholarship focuses on improving programs and policies for vulnerable children and low-income adults, including the issues in this bill. Prior to UB, I was an assistant director of advocacy and also a staff attorney at the Legal Aid Bureau, representing adults in all areas of poverty law (including child support) and representing children in the foster care system. I was also a senior staff attorney for the Children's Defense Fund.

SB 164 would reform harmful driver's license suspension practices that block low-income parents' ability to work and pay child support.

This bill is needed to reduce harm to low-income children and families. Currently, the Child Support Administration initiates the suspension process against *all* child support obligors as soon as they are behind on their child support. Many of these obligors are low-income and struggling with barriers to employment—and a license suspension often makes matters worse, harming the obligor, the custodial parent, and the children. The current suspension policy:

- makes it even harder for non-custodial parents to work and pay child support
- prevents noncustodial parents from driving their children to school, doctor's appointments, or other needed trips, and
- exacerbates systemic poverty and racial inequality

The current statute has disparate negative impacts on Maryland's Black families. The University of Baltimore School of Law's Legal Data and Design Clinic researched the extent and racial demographics of license suspensions in Maryland. Their research was provided in their

testimony regarding a prior version of this bill, and is attached to this testimony. The LDD Clinic found that:

- Black Americans constituted 31.1% of Maryland’s population in 2019, but were targeted for **71% of license suspensions from 2015 to 2020.**
- In 2019, Black parents in Maryland were **5 times more likely to be subjected to a Child Support Administration suspension** than other races.

In a 2019 Abell Foundation report, Vicki Turetsky, the former Commissioner of the Federal Office of Child Support Enforcement, explained the harm in Baltimore:

[T]he evidence is clear: higher orders and tougher enforcement will not increase collections when the barrier to payment is poverty. It does no good, and in fact, it does harm . . . Unrealistic child support policies and practices entangle poor African American men and their families in poverty and have become a destabilizing force in the Baltimore community.ⁱ

Federal law embraces SB 164. SB 164 is consistent with federal law. Title 42 § 666(a)(16) of the United States Code simply requires that each state “has (and uses in appropriate cases) authority to withhold or suspend” driver’s licenses of individuals with overdue child support payments, and this bill should be construed as consistent with that federal requirement because the agency can still suspend licenses when obligors are not low-income.ⁱⁱ

I therefore submit this testimony in support of SB 164 and respectfully request a favorable report.

ⁱ Vicki Turetsky, “Reforming Child Support to Improve Outcomes for Children and Families,” *The Abell Report*, Vol. 32, No. 5, June 2019, https://abell.org/sites/default/files/files/Abell%20Child%20Support%20Reform%20-%20Full%20Report%2020_2020%20edits%20v1_3.pdf.

ⁱⁱ 42 USCA § 666(a)(16).

MEMORANDUM

To: Hon. Luke Clippinger,
Chair, House Judiciary Committee

From: The University of Baltimore School of Law Legal Data and Design Clinic

Date: February 9, 2020

Re: HB 580 Driver's Licenses – Suspension for Child Support Arrearages – Repeal
(FAVORABLE-WITH AMENDMENTS)

I. INTRODUCTION

The University of Baltimore School of Law Legal Data and Design Clinic (LDDC) submits the following written testimony in favor of HB 580 with amendments. Though complete repeal of driver's license suspensions for child support arrearages (DLS-CSA) is unnecessary and could risk federal funding, current DLS-CSA practice desperately needs reform. As our analysis shows, current DLS-CSA law exacerbates racial inequality and cycles of poverty.

Our conclusions derive from 2015-2020 DLS-CSA data (disaggregated by race and zip code) provided by the Maryland Department of Transportation (MDOT) and the Office of the Attorney General (OAG). We also incorporated public census data on race and poverty levels in Maryland counties into our analysis. Our major conclusions are:

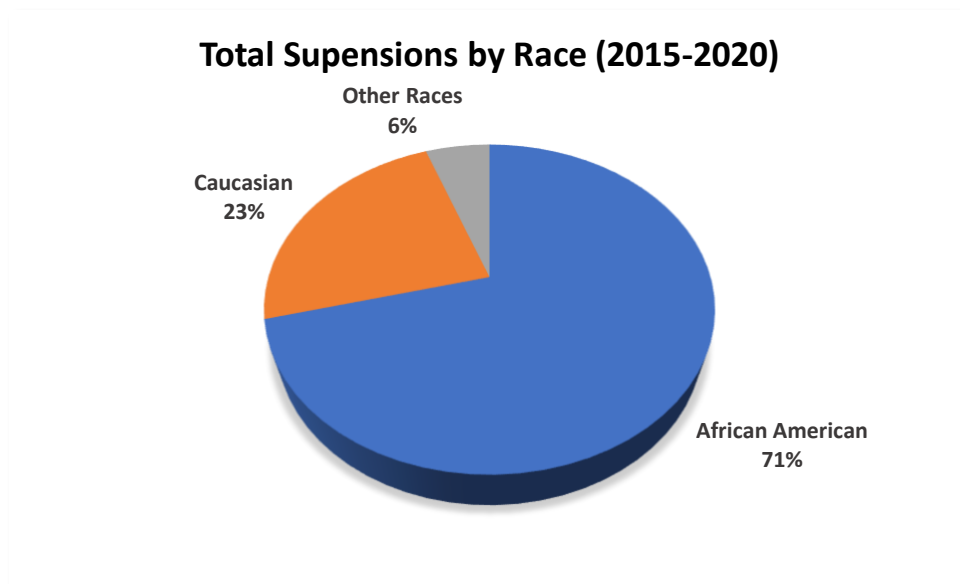
- On average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans per zip code received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in counties that had lower and higher poverty rates than the state of Maryland's poverty average.

II. DISCUSSION

At the outset, it bears emphasis that the fundamental logic of DLS-CSA is flawed. No correlation exists between one's ability to drive competently and one's ability to pay child support. Suspension is thus a punitive measure wholly unrelated to safety on Maryland's roads and highways. Even worse, DLS-CSA actually makes it more difficult for people who owe child support to meet their obligations. This is because many Marylanders drive to work. Taking away the ability to drive thus deprives these Marylanders of the ability to make money. Given the absence of an adequate public transportation infrastructure, DLS-CSA risks contributing to a vicious cycle wherein a person goes deeper and deeper into debt because he has been deprived of a key means to make money to pay back that very debt.

With this context in mind, we turn to the problem of DLS-CSA seen through the lenses of race and poverty.

(a) RACIAL DISPARITIES IN DLS-CSA



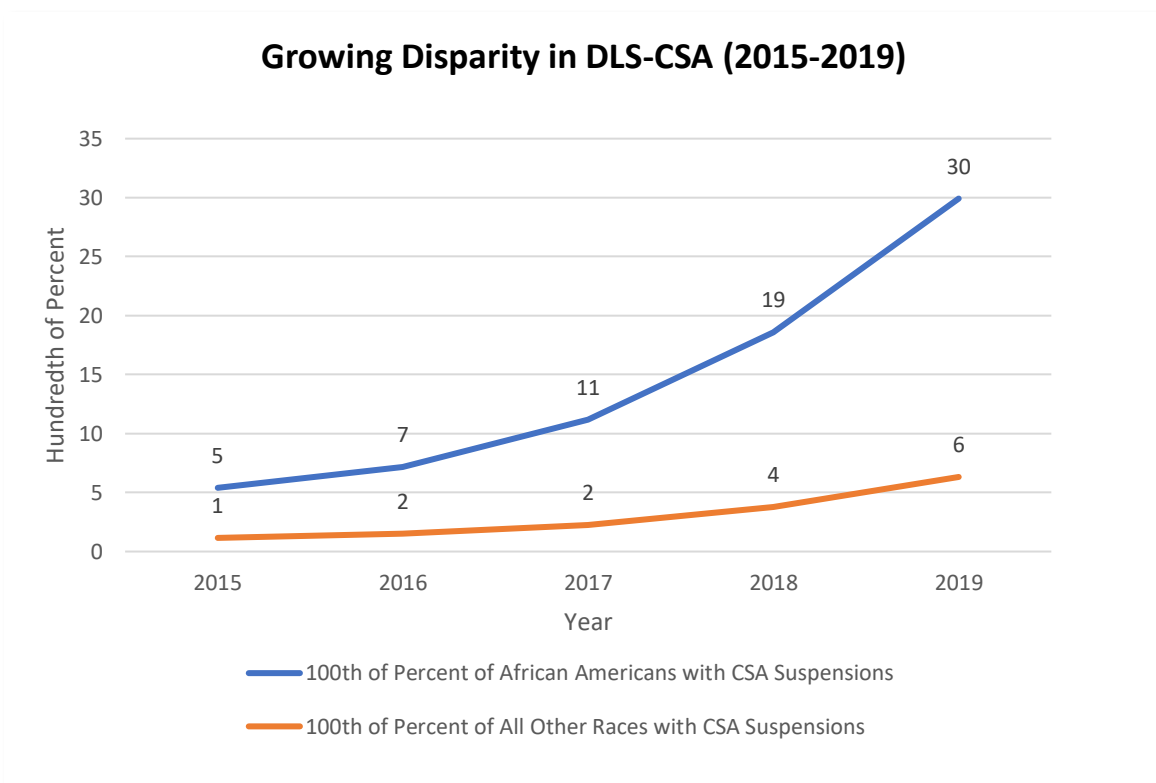
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions from 2015 to 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African Americans than Caucasians suffered DLS-CSA shows the disproportionate impact.

License Suspensions for Child Support Non-Compliance as of 11/10/2020

RACE	Calendar Year						Grand Total
	2015	2016	2017	2018	2019	2020	
AFRICAN AMERICAN	987	1,321	2,073	3,475	5,621	5,465	18,942
CAUCASIAN	374	486	735	1,214	2,068	1,417	6,294
ASIAN	11	9	11	16	33	25	105
AMERICAN INDIAN	6	6	3	22	31	16	84
OTHER	69	113	140	245	384	339	1,290
NULL	1	1	2	3	5	4	16
TOTAL	1,448	1,936	2,964	4,975	8,142	7,266	26,731

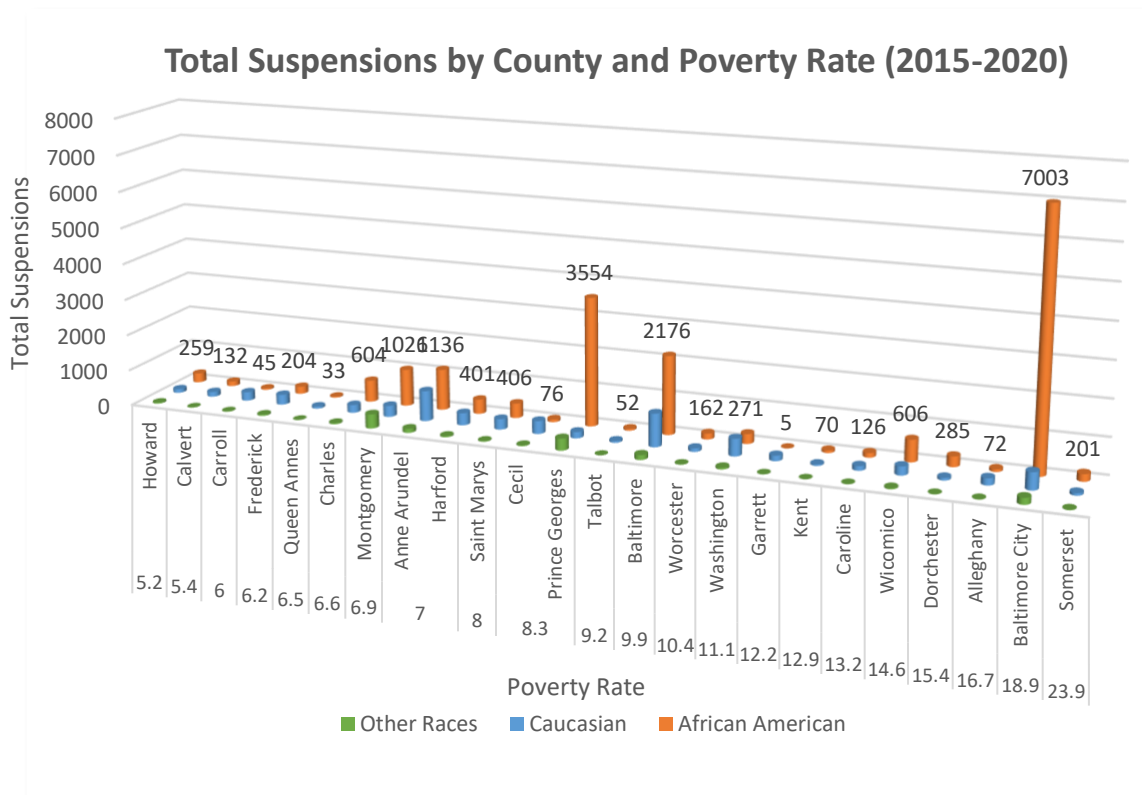
Figure 1 – Maryland Department of Transportation, Office of Data Management

This disparate impact has worsened over time. The chart below shows the percentage of all African Americans versus other races suffering DLS-CSA (Note: the chart show hundredths of one percent). The gap is clearly increasing. The estimated total population of 2020 was unavailable and therefore this analysis is conducted over the period of 2015 to 2019. By 2019, African Americans were 5 times more likely to have a CSA suspension than other races.



(b) POVERTY AND DLS-CSA

Our analysis shows that DLS-CSA disproportionately affects the poorest Marylanders. Using disaggregated zip code data provided by the MDOT, this can be easily visualized. The columns in the graphic below shows the total numbers of suspensions in each county by race. Counties are arranged by poverty rate: the counties with the lowest poverty rates are on the left of the graphic while the counties with the highest rates are on the right.



The picture painted is clear. Citizens of poorer counties suffer more. In 2018, the state of Maryland's poverty rate was 9.1%. Twelve (12) counties experienced poverty at higher levels than the state poverty rate while 11 experienced lower poverty rates. Residents in counties with poverty rates higher than the 9.1% state rate were more likely to experience license suspension. However, African Americans received substantially higher numbers of license suspensions in counties on either side of the state rate. The averages of total suspensions per zip code, across all 23 counties, demonstrate a noticeable difference in license suspensions between African American and Caucasian residents. In counties with higher poverty rates, African Americans received an average of 24.3 license suspensions per zip code, a stark contrast from the average of 5.4 suspensions for Caucasian residents. In counties with lower poverty rates, there was an average of 9.3 suspensions per zip code for African Americans and 3.9 for Caucasians. Overall, on average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.

Average of Total Suspensions per Zip Code by Race and Poverty Level

Poverty Rate (2018)	African American	Caucasian	Other Races
Higher (above state rate)	24.3	5.4	2.0
Lower (below state rate)	9.3	3.9	2.2

III. CONCLUSION

Because DLS-CSA has obvious race and poverty impacts, the LDDC favors HB 580 with amendments. In light of the inequalities exacerbated by current practice, the LDDC recommends the ending automatic suspension of driver's licenses as a CSA penalty.

Sincerely,
 Colin Starger, LDDC Supervising Attorney
 Kenbrielle Ard, LDDC Rule 19 Student Attorney
 Kala Fryman, LDDC Rule 19 Student Attorney
 Zhongyang Shi, LDDC Rule 19 Student Attorney
 Ché Star, LDDC Rule 19 Student Attorney

cc: Members of the House Judiciary Committee

DLS2023_FAV_SAMPLE (1).pdf

Uploaded by: Daryl Yoder

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 164

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: **Daryl Yoder**

DATE: Feb. 1, 2023

I am a voter in District 44A, a volunteer and supporter with Out for Justice, an organization which supports and advocates for the formerly incarcerated, and a member of the Baltimore chapter of Showing Up for Racial Justice (SURJ).

I support SENATE BILL 164 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside their county](#) for employment. This statistic is more pronounced for lower-income communities of color, where there is a scarcity of jobs available by public transit. Only [9% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. They will never pay this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support, an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

SENATE BILL 164 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. No evidence suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact,

it cripples the primary way the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears.

For these reasons and more, we urge a favorable report on SENATE BILL 164.

Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228

SB0164_FAV_BetterU.docx.pdf

Uploaded by: Deandre Wiggins

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 164/ HOUSE BILL 326

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: Deandre Wiggins, Program Manager

DATE: February 2nd, 2023

BetterU Construction support(s) SENATE BILL 164/ HOUSE BILL 326 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

BetterU Construction Training is a 14-week pre-apprenticeship program for Baltimore residents with a high school diploma or GED. Experienced teachers prepare our students for success in the construction trades with an overview of entry-level plumbing, carpentry, and electrical skills. Students also receive essential safety training, financial coaching, a stipend, and driver's education. More than 70 percent of students are placed in careers that lead to high wages and apprenticeships.

One of the most significant barriers to job placement is the lack of transit access due to license suspensions for child support. The majority of our trainees are returning citizens and once they are released they will naturally owe back child support which, of course, leads to suspended licenses. Trying to lift the license suspensions for the trainees becomes a massive burden for our case managers and becomes a factor in determining which individuals are allowed in, which is counterproductive to the enforcement mechanism.

SENATE BILL 164/ HOUSE BILL 326 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. No evidence suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way the Child Support Enforcement Agency can collect (wage



garnishments) by eliminating access to employment needed to pay down arrears. For these reasons and more, we urge a favorable report on SENATE BILL 164/ HOUSE BILL 326.

SB164 Testimony Dwan Driver's Licenses - Suspensio

Uploaded by: Dwan Burton

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL SB164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: **Dwan Burton**

DATE: February 1, 2023

I, Dwan Burton support(s) SENATE BILL 164 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

In support of loved ones, I've spent numerous hours in court hearings around child support or related custody hearings. To see the number of individuals, mainly men, to be carded off to jail for failure to make adequate child support payments is highly disturbing.

As a black woman, and Maryland resident, I know firsthand the devastation that the US legal system has impressed upon the black nuclear family. While it might not appear to be related to some, criminalizing the lack of financial support of one parent does a grave disservice to not just the individual facing the legal ramifications, but the child or children suffer the most. From the "war on drugs" that fraudulently preyed on inner-city black Americans by introducing highly addictive and illegal substances that ultimately shipped record numbers of black men to prison for possession or distribution, to the lack of access and opportunities offered to minorities for advancement economically, educationally, to the dissolution of the family unit through government public assistance programs, the punitive practice of revoking an individual's professional license to work in a field or industry, or drivers license, a necessary medium for navigating everyday life, policies that target lower-income individuals for their inability to pay child support is egregious and contributes to an overly oppressive legal system.

Who truly benefits from the financial gain of increasing the jail and prison population, and a system that increases its bottom line from the indigent population? The same system imposes the predatory law. I've witnessed way too many minorities escorted out of the courtroom to jail for their inability to meet the financial obligation for child support. Another potential solution is to remove child support cooperation as an eligibility requirement for public assistance and adopt a 100 percent pass-through policy to ensure all child support payments are sent directly to the mother and child, instead of to the state for reimbursement ([Justice Policy Institute, 2022](#)).

The immediate collateral damage for many who have their license revoked due to child support arrears, includes, the loss of access to necessary transportation that can prevent or limit access or opportunities for their children, loss of job and subsequent wages, the threat of jail time or additional financial hardship should an individual be caught driving with an invalid license, and increased emotional duress. Additionally, the lack of income resulting from a license suspension could directly create a desperate environment, none of which is of benefit or support for the affected child/ren. When our basic human needs are not met (shelter, food, etc.), it creates desperation, and it is that compounded trauma that can lead to unsavory life choices. "[The systems that cause poverty create circumstances in which people make risky and rash decisions because they feel trapped.](#)"

TESTIMONY IN SUPPORT OF SENATE BILL SB164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

The whole concept is predatory, as the state, many times, is the party seeking financial relief in supporting the co-parent with necessary food or cash assistance (SNAP/TANF). Child support is a concept that was designed to address some of the needs of minors. What it does not take into account is the non-monetary support that a parent may be provided, which could be of great overall value to the child. In essence not take into account very valid and beneficial ways that a parent may be supporting their child.

If the goal is to recoup or to balance the responsibilities of both parents and to offer the necessary support for the affected child/children, there are a number of alternatives to achieve this goal than to criminalize the indigent parent.

“The impact of having an incarcerated parent disproportionately falls on the shoulders of Black children with one in nine Black children having an incarcerated parent compared to 1 in 57 White children ([Clarke, 2016](#)). Children of incarcerated parents are more likely to live in poverty and face developmental and educational challenges. Policy reform is not only crucial for supporting nonresident fathers but also for supporting children born to unmarried partners” or divorced parents.

“Social and criminal policy reform must prioritize initiatives that strengthen the social safety net — childcare, higher wages, health care, education, affordable housing — so all parents have the resources needed to raise a safe and healthy child. Unfortunately, billing poor fathers does not make their children any less poor. Under the current landscape of our nation’s child support enforcement policies, social conditions, and justice practices, poverty becomes aggravated rather than alleviated.” ([Justice Policy Institute, 2022](#))

Punitive child support enforcement policies are not conducive to supporting the reintegration of parents or promoting the well-being of children. Reentry is challenging enough. A primary reform strategy is to decriminalize nonpayment of child support by replacing incarceration with work-oriented diversion programs ([Justice Policy Institute, 2022](#)). There are a number of programs in Maryland that will offer job training programs. However, typically reliable transportation is necessary, additionally, with the threat of jail time staring in your face, the emotional toll of navigating an already pressured situation to be punctual with fewer resources, and additional financial drain is counterproductive.

Solutions successfully implemented in other states are listed below.

Georgia’s diversion centers and parent accountability courts have saved the state close to \$10 million dollars in incarceration costs (Hoback, 2017). Parents are housed at diversion centers and travel to and from work, allowing parents to keep their job with the hope they will be able to meet their obligations. Georgia’s parent accountability court is similar to that of drug courts, parents are required to attend education and job training and find employment. Similarly, Texas’ diversion program, NCP Choices Program, helps under and unemployed parents find and maintain employment. By meeting with a workforce counselor every week, spending the required hours a week looking for work, and attending court and program appointments — noncustodial parents were 50 percent more consistent in paying child support orders and were employed at a rate twenty-one percent higher than nonparticipants ([Hoback,](#)

TESTIMONY IN SUPPORT OF SENATE BILL SB164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

[2017](#)). Work-oriented diversion families keep families together, lower states costs of incarceration, and support employment opportunities for nonresident parents.

For these reasons and more, we urge a favorable report on SENATE BILL 164.

Thank you, Dwan Burton

Dcharaeb@gmail.com

testimony2023sb164ltr.pdf

Uploaded by: Franz Schneiderman

Position: FAV



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

Testimony to the Senate Judicial Proceedings Committee
SB 164 – Driver’s Licenses – Suspension for Child Support Arrearages -- Exception
Position: Favorable

The Honorable Will Smith
Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401
cc: Members, Judicial Proceedings Committee

Feb. 2, 2023

Dear Chairman Smith and Committee Members,

I’m a consumer advocate and Executive Director of Consumer Auto, a non-profit group that works to foster safety, transparency, and fair treatment for Maryland drivers and car buyers.

We support **SB 164** because it will protect some drivers who owe child support against the burdensome and counter-productive punishment of losing their right to drive – a sanction that not only can put lower-income Maryland drivers at risk of serious further punishment but undermines their ability to earn a living and, ultimately, to meet their child support obligations.

Paying child support is an important obligation. But for many lower-income, non-custodial parents, it’s a difficult burden to meet. As a 2019 Abell Foundation report found, many noncustodial parents “struggle to find and maintain full-time work at sufficient wages to support themselves and pay their child support obligations.”¹ With the median income of non-custodial parents statewide less than \$23,000 and 25% receiving supplemental food benefits (as the Abell report found in 2019²), it’s not surprising that many parents fall behind in their child support payments.

And when they do, Maryland law makes it very easy for them to lose their licenses, allowing driver’s licenses to be suspended when parents are 60 days behind in their payments. But when a parent loses the right to drive, that only makes it harder for him or her to get to work and access the job opportunities that could enable them to meet their needs and child support obligations. This is especially true in Baltimore City, where weak public transit systems and the movement of many job centers to the suburbs makes it very difficult and time-consuming to reach remunerative work without a vehicle.

Once a person’s license is suspended, he or she is subject to a up to one year in jail and a \$1,000 fine for driving on a suspended or revoked license. When people violate the law by driving – as many people do, in part because they need to do so to meet their obligations – that can extend a

¹ https://abell.org/wp-content/uploads/2022/02/Child20Support20Report202_20_202020edits2020-20web20version.pdf

² Ibid,



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

cycle of poverty and punishment that often leaves people with even greater legal difficulties, more deeply in debt – and less able to pay their child support and meet other needs.

Suspending the licenses of lower-income Marylanders who owe child support adds to their financial and legal challenges as it undermines their ability to pay their debts.

That's part of the reason the Abell Foundation report recommends stopping the practice of suspending the driver's licenses of lower-income Marylanders who owe child support.³ And why, as **SB 164** mandates, it makes good sense to end the practice of doing so for Marylanders who make 300% of federal poverty level wages or less.

We support SB 164 and ask you to give it a FAVORABLE report.

Sincerely,

Franz Schneiderman
Consumer Auto

³ Ibid.

2023-02-02_SB164 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

February 2, 2023

TO: The Honorable Will Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0164 – Driver's Licenses – Suspension for Child Support Arrearages --
Exception – **Support**

The Office of Attorney General urges this Committee to favorably report Senate Bill 164. Senator Watson's bill would preclude the Child Support Administration from urging the Motor Vehicle Administration to suspend an individual's driver's license for non-payment of child support if the obligor's family income is not greater than three hundred percent (300%)¹ of the federal poverty level "unless the obligor has been judicially determined to be voluntarily impoverished under § 12-204" of the Family Law Article.

Senate Bill 164 is consistent with the Office of Attorney General's fines and fees advocacy² and constitutional due process. In *Bearden v. Georgia*, the United States Supreme Court held that imprisonment for unpaid fines or fees without a hearing to determine ability to pay is unconstitutional under the due process clause of the Fourteenth Amendment.³ Additionally, *Bearden* has been cited in cases in both the District Court of Maryland and in the Fourth Circuit.⁴ Both courts have relied on *Bearden* to determine when it is justifiable for a defendant to not pay a fine or fee. As determined in *Bearden*, if a defendant has made all

¹ This amounts to less than \$39,000 annually.

² In 2020, then-Attorney General Frosh introduced [HB0280 /CH0149](#) ([SB0234/CH0150](#)) to repeal the MVA's authority to suspend the driver's license and vehicle registration of traffic fine and fee debtors and making such debtors eligible for payment plans. That legislation resulted in nearly 90,000 driver's license reinstatements and has avoided countless other driver's license suspensions in the ensuing years.

³ 461 U.S. 660 (1983).

⁴ See *Miranda v. Barr*, 463 F.Supp. 3d 632 (2020); see also *United States v. Boyd*, 935 F.2d 1288 (1991).

reasonable efforts to pay the fine and cannot do so through no fault of her or his own, it is unfair to revoke probation.⁵

Similarly, in the child support context, it is counterintuitive to suspend an obligor parent's driver's license merely because of indigence. Nearly fifty percent (50%) of Marylanders drive to another county to work, and only nine percent (9%) of the work in the greater Baltimore metropolitan region can be reached by public transit within an hour. Therefore, workers need a valid driver's license to secure and maintain employment. The more likely a parent obligor is to have gainful employment, the more likely she or he will be able to pay child support.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 164.

cc: Committee Members

⁵ See *Boyd*, 935 F.2d 1288.

SB164_EconAction_FAV (2023).pdf

Uploaded by: Isadora Stern

Position: FAV



Testimony to the Senate Judicial Proceedings Committee
SB164: Driver's Licenses - Suspension for Child Support Arrearages - Exception
Position: Favorable

February 02, 2023

The Honorable Senator Smith, Chair
Senate Judicial Proceedings Committee
Second Floor, Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Senate Judicial Proceedings

Honorable Chair Smith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances financial justice and economic inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB164 as a means of repealing the punitive practice of driver's license suspensions for lower-income obligors.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside of their county](#) for employment. This statistic is more pronounced for lower-income communities of color where there is a scarcity of jobs available by public transit. In fact, only [9% of jobs in the Baltimore region can be reached within one hour, one-way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2017, [the Abell Foundation reported](#) that 43% of Marylanders who owe child support make less than minimum wage, but owe at least \$10,000 in unpaid arrearages. They will never pay down this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are



blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

Senate Bill 164 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. There is **no** evidence that suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the Child Support Enforcement Agency's ability to garnish wages, the primary means of collection, by eliminating access to employment needed to pay down arrears.

For these reasons we support SB164 and urge a favorable report.

Respectfully,

Isadora Stern
Policy Manager

DLS2023_SB164_JohnFord.pdf

Uploaded by: John Ford

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: **John Preston Ford**

DATE: February 1, 2023

I support SENATE BILL 164 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

As a workforce development professional, public servant, and rider of the broken transit system of Baltimore City with the privilege of a driver's license and a car, I know how important transportation access is to the working class of this state. Taking away of the means of making a living from someone in debt is a vicious cycle and a modern day form of debtors' prison.

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside their county](#) for employment. This statistic is more pronounced for lower-income communities of color, where there is a scarcity of jobs available by public transit. Only [9% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. They will never pay this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support, an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

SENATE BILL 164 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. No evidence suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact,

it cripples the primary way the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears.

For these reasons and more, we urge a favorable report on SENATE BILL 164.

John Ford
3301 Fleet St.
Baltimore, MD 21224

Jonathan Williams Testimony - Senate Bill 164.pdf

Uploaded by: Jonathan Williams

Position: FAV

Jonathan Williams
Regarding Senate Bill Hearing For SENATE BILL 164
2/1/2023

Good morning Senators,

My name is Jonathan Williams and I am a resident of Baltimore City. I am for the proposed SENATE BILL 164 - Driver's Licenses – Suspension for Child Support Arrearages – Exception.

I am a father of a 5-year-old whose mother placed me on child support. After we signed the child support order, we had to wait 6 months for the judge to sign before the order went into effect. I was given misleading and/or incomplete information initially and was told that I would not be able to make child support payments until the judge signs the order and that payments would not start until the order was signed. The judge eventually signed the order in August of 2017. It wasn't until I got a notice in the mail shortly thereafter, that my license was suspended for child support arrears for over \$9000. I knew when I signed the order that my payments would be \$840 a month and included in that were court fees. Once the court fees were paid, the payments would drop down to \$640 per month.

At the time, I was bringing home around \$2600 monthly from my job as an IT Site Coordinator. I started driving for Uber part-time to supplement my income to help pay my child support for when the time came. Both jobs required that I have a valid driver's license. My expenses at the time included a \$1200 mortgage, \$500 car payment, \$160 car insurance, \$250 utilities, \$200 for gas, groceries and miscellaneous purchases. At the end of the month, I had about \$300 left over. While driving for Uber, I was averaging about \$20 per hour, which would have given me a max \$800 per month in extra income.

The immediate arrival of a \$9000+ bill was a huge setback. It was unexpected and put me in a financial bind instantly.

When I contacted The Department of Human Resources, no one I talked to cared to even listen and understand my situation. I would get similar statements - "You can get your license reinstated when you pay all of your back pay," "You should have saved the money during those months". It appeared that I wasn't going to get any assistance until I paid what was owed. At this point I gave up because doing the right thing seemed more like a punishment rather than getting monetary help for my son.

The website even states:

"You have the right to request a review for a modification if there has been a change in circumstances since the order was entered, or if three years have passed since the order was entered or last reviewed for modification. Examples of changes in circumstances that may be grounds for a modification are: significant changes in income, changes in work-related day care cost,

changes in health care costs, a change in custody, or a change in the financial needs of the child. Contact the Customer Care Center at 1-800-332-6347 for additional information.”

Nothing in this paragraph was even considered for discussion when I called DHR.

The end result was me having to short-sell my house before the house went into foreclosure and have my car voluntarily repossessed. I can't drive my car because my license is suspended, which means I can't drive for Uber to make the extra money to be able to afford my house and car and pay my child support. Not having a license has prevented me from finding a high paying job because those jobs are not readily found in Baltimore City

The repossession resulted in an extra \$9000 of debt on top of the \$8000 that I already owed. At this point, I'm now \$17000 in debt and have lost two jobs. I've now lost my home, car, both jobs and I'm in debt. This domino effect had me a couple steps away from going to jail for not paying child support. How can someone pay child support when they have lost every means of paying it?

I am completely in support of proposed SENATE BILL 164. I hope that my testimony sheds some light and understanding on what many parents have gone through and are going through. The rules and regulations as they currently are, in some situations, hurts more than helps. Please take into consideration that there are parents who want the best for their child(ren) and that situations like mine are sensitive and need the flexibility to be negotiated.

I believe that situations like this can be avoided in the future, if more than just income was factored into the child support process so a better judgment can be made before a punishment is handed down that is a detriment to all parties involved.

Your consideration of these matters and solutions is very much appreciated

SB0164_FAV_MarquisWilliams.docx.pdf

Uploaded by: Marqus Williams

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 164/ HOUSE BILL 326

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: Marquis Williams

DATE: February 2nd, 2023

My name is Marquis Williams and I support(s) SENATE BILL 164/ HOUSE BILL 326 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

To be blunt, I believe that the current child support structure is unethical, unfair, and unconstitutional. No one should have the power to restrict access to employment, restrict passports, and force you into poverty or the underground economy to provide for themselves. Since my license was suspended for a somewhat conflicting child support order, I have had to fight to maintain employment and take care of my family.

I am an entrepreneur in the customer service field, performing systems management services for companies like Peloton and others. I am currently studying welding and recently finished a preconstruction program for the carpentry, plumbing, and electrical fields. I live in District 40 in Baltimore City, where most jobs are only accessible by vehicular transit. I need full access to my license to survive in this city and, ironically, make payments on my child support case. I have missed out on many financial opportunities due to my license being suspended for children I currently have joint custody of, which I contested, leading me to lose my driver's license and some of the best jobs I've had.

One of the primary reasons for joining the BetterU construction training program was to have my license suspension lifted since they have a solid connection with Child Support. I am not exaggerating when I say that they have ruined life. When I contested the child support order due to the joint custody case, my wife discovered that her wages were consistently being garnished needlessly. This caused a deep friction between which led to our separation. Keep in mind that the mother of my child is receiving multiple child support payments from different men, does not work, is on government assistance and repeatedly brags on social media about her recent overseas vacation.

That the current child support system ruins marriages, blocks employment, and harms children is seriously problematic. When working multiple jobs, I was taxed twice on both jobs, and the amount taken out of my account was so egregious that for my survival, I had to drop out of the traditional workforce entirely. It bothers me that there is no factoring of bills, cost of living, or relationship to the child, and this needs to change.

Child Support shouldn't cause individuals like myself who have joint custody or pay for their child to be driven into poverty and desperation. SENATE BILL 164/ HOUSE BILL 326 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. It's a big move in the right direction. For these reasons and more, I urge a favorable report on SENATE BILL 164/ HOUSE BILL 326.

Support SB164(2023)-dr.lic.susp..docx.pdf

Uploaded by: Philip Caroom

Position: FAV

SUPPORT SB 164 - drivers' license suspensions

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 2, 2023

Maryland Alliance for Justice Reform (MAJR) supports SB 164 as a measure that simultaneously could reduce poverty for thousands of Marylanders, and save time for law enforcement officers and traffic courts.

Currently, when a police officer issues a payable (as opposed to a “must appear”) traffic citation to any Maryland driver, the driver must file a written request for a trial or pay the fine within 30 days. Failure to make timely payment results in a notice from the MVA that the driver’s license is suspended. If a police officer happens to stop the driver after that notice is issued, the driver may be arrested and held in pretrial detention.

Why doesn’t every driver instantly pay the citation or file a written trial demand? The large majority of explanations relate to insufficient income. SB 164 would require the Child Support Administration to verify income status of a parent in relation to federal poverty standards before issuing a request to the MVA to suspend the license.

Why is a single driver’s license suspension so much trouble? The resultant troubles compound all a parent and driver’s poverty-related concerns: Each suspension incident adds 3 to 12 points on the driver’s record, may require another court appearance, in turn another day off work, and may require paying an attorney. The driver’s car insurance costs also rise substantially due to the increase of points on her driving record.

The net effect is that drivers often become trapped in a revolving-door where one fine leads to another and another with the Md. MVA and Courts as a participants: an individual who was too poor or too disorganized to pay a single small fine — perhaps \$75 to \$300—may end up having no driver’s license for many months with thousands of dollars more fines, car insurance and legal fees. To earn money for these debts, the driver needs to drive herself to work while license is suspended thus, risking yet another ticket for driving suspended.

According to the December 2015 Final Report of the Md. Justice Reinvestment Coordinating Council, “In FY2014, 16.5 percent of jail sentences in Baltimore City were for operating a motor vehicle with a suspended license, representing 11.8 percent of the under-12-month local prison population.” According to a 2005 survey, 54,000 Marylanders then were believed to be driving on suspended licenses. While Maryland’s Justice Reinvestment Act, eff. 10/1/17, sought to avoid jail sentences for first-time offenders who drove on a suspended license, the number of Marylanders still can be estimated in the thousands each year.

When assessing the fiscal impact of SB 164, legislators strongly should bear in mind the huge impact of the current law on low-income Marylanders who are the victims of the vicious circle of Maryland’s driving suspended laws.

—
NOTE: Phil Caroom offers this testimony for Maryland Alliance for Justice Reform (www.ma4jr.org) and not for the Maryland Judiciary.

SB 164- Driver's Licenses - Suspension for Child S

Uploaded by: Robin McKinney

Position: FAV



SB 164- Driver's Licenses - Suspension for Child Support Arrearages – Exception
Senate Judicial Proceedings Committee
February 2nd, 2023
SUPPORT

Chairman Smith, Vice-Chair and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 164. This bill will prevent driver's license suspensions for obligors who make less than \$41k annually or 300% of the Federal Poverty Level (FPL).

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. Child support debt triggers a suspended driver's license, arrest, or incarceration. This further complicates the ability of low-wage workers to secure and maintain employment. Mobility is key in Maryland's regional economy. Nearly half of Marylanders travel outside of their county for employment. This statistic is more pronounced for low-income communities of color where there is a scarcity of jobs available by public transit. Only 9% of jobs in the Baltimore region can be reached within one hour, one way by public transit. **Thus, for economic sustainability for low-income workers, both a valid driver's license and a vehicle are necessary.**

Currently, Maryland Code Ann., Fam. Law § 10-119 states that upon 60 days of nonpayment of child support an obligor shall have their license or privilege to drive suspended. Maryland Code Ann., Transportation §16–303 states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. §16–303(h) notes a \$500 penalty for driving on licenses suspended for child support. This law contributes to the disproportionate impact of driver's license suspensions in African Americans communities. Although African Americans make up 31.1% of Maryland's population, MDOT data suggests that they made up 71% of the license suspensions between 2015 - 2020. There is no evidence that suggests that suspending an individual's driver's license improves the collection of arrears for persons making less than 300% of the FPL.

Federal Code 42 U.S.C.A. § 666 (a) demands that all U.S. states have laws that "increase the *effectiveness* of the [child support enforcement] program which the state administers" and allows the State to withhold, suspend, or restrict licenses of individuals owing child support in "in *appropriate cases*" (16). Driver's license suspensions for workers who make less than \$41k annually cannot be considered "appropriate" or increasing "effectiveness" as it (1) wastes taxpayer dollars in collections enforcement, (2) prohibits and eliminates access to employment for workers and job seekers, and (3) heightens tensions between the custodial parties and, in turn, decreases compliance rates.

Thus, we encourage you to return a favorable report for SB 164.

Creating Assets, Savings and Hope

SB 164_DRIVERS LIC SUSPENSION EXCEPTION_FAV.pdf

Uploaded by: Sarah Johnson

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: Sarah Johnson, District 41

DATE: February 1, 2023

I live in the 41st district in the Roland Park neighborhood of Baltimore City, and I support efforts on behalf of Showing Up for Racial Justice (SURJ) Baltimore and the Job Opportunities Task Force (JOTF). **I strongly support SENATE BILL 164 to repeal the punitive practice of driver's license suspensions for lower-income obligors.**

Mobility is key in Maryland's regional economy. The Census Bureau reported that [almost 50% of Marylanders travel outside their county](#) for employment. This statistic is more pronounced for lower-income communities of color, where there is a scarcity of jobs available by public transit. Only [9% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus for economic sustainability, both a valid driver's license and a vehicle are necessary.

In 2015, NPR reported that 62% of Marylanders who owe child support make less than minimum wage but owe at least \$10,000 in unpaid arrearages. They will never pay this debt, especially when the current law magnifies the issue by crippling their mobility. [Maryland Code Ann., Fam. Law § 10-119](#) states that upon 60 days of nonpayment of child support, an obligor shall have their license or privilege to drive suspended. Beyond this, [Maryland Code Ann., Transportation §16-303](#) states that driving on an invalid license (suspended, canceled, or revoked) in Maryland is a crime punishable by up to (1) one year in jail, a \$1000 fine, or both. As such, child support debt triggers a suspended driver's license, arrest, or hefty fines, further complicating the ability of low-wage workers to secure employment and make payments.

Data suggests that this issue is racialized as well, adversely disrupting the lives of African-Americans. Although Blacks make up 31.1% of Maryland's population, [MDOT data suggests](#) that they made up to 71% of the roughly 27,000 license suspensions between 2015 - 2020. If a disproportionately higher number of black Marylanders lack access to a valid driver's license due to license suspensions and are blocked from participating in a mobile economy, it stands to reason that current state policy is actively preventing them from making payments.

SENATE BILL 164 ends the practice of suspending licenses for child support arrears of those making less than 300% of the Federal Poverty Level (FPL) or \$41k annually. No evidence suggests suspending an individual's driver's license improves the collection of arrears in the long run for persons at this income level. Suspending licenses for lower-income obligors runs counter to the stated purpose of increasing compliance in child support payments and engagement with family where appropriate. In fact, it cripples the primary way the Child Support Enforcement Agency can collect (wage garnishments) by eliminating access to employment needed to pay down arrears.

For these reasons and more, we urge a favorable report on SENATE BILL 164.

Sarah Johnson
1 Merryman Court, Baltimore MD 21210
SURJ Baltimore, in support of JOTF

Maryland Legal Aid Written Testimony SB 0164 Child

Uploaded by: Stacy Bensky

Position: FAV



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

February 1, 2023

Senator William C. Smith Jr.
Chairman, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

**Re: Maryland Legal Aid’s Testimony in Support of Senate Bill 0164
Driver’s Licenses – Suspension for Child Support Arrearages – Exception**

Dear Chairman Smith and Committee Members:

Thank you for the opportunity to testify in support of Senate Bill 0164, legislation that would limit the Child Support Enforcement Agency’s authority to suspend driver’s licenses for child support arrears, by creating an exception for parents who are 300% below the poverty level. The exception will temper the harmful effects of the current arbitrary, automated lottery system used for driver’s license suspension, as described below. This letter serves as notice that Stacy Bensky, Esq. will testify on behalf of Maryland Legal Aid at the request of Senator Watson.

Maryland Legal Aid (MLA) is a private, nonprofit law firm that provides free legal services to thousands of low-income Maryland residents in many civil matters, including family law. MLA’s representation of non-custodial parents who have been ordered to pay child support through the Maryland Child Support Enforcement Agency (the “Agency”), has revealed significant inequities in the state’s automated driver’s license suspension system. This system criminalizes poverty and disproportionately affects low-income parents and families. Driver’s license suspensions do not work as an enforcement mechanism for those who are living in poverty and simply do not have the ability to pay. They create a barrier to employment and make it difficult to be an involved and active parent.

The Agency’s authority to suspend driver’s licenses for child support arrears comes from federal law (42 USC 666(a)), which requires each state to ‘have in effect laws requiring’ the use of certain procedures “to increase the effectiveness of the program.” 42 USC 666(a)(16) requires that states must have the authority to suspend or restrict driver’s licenses, professional/occupational licenses, and recreational/sporting licenses “in appropriate cases.” States are not required to use automated procedures for these license suspensions, and the Agency does not use automated procedures for professional/occupational or recreational/sporting licenses, but it does use an automated system to suspend driver’s licenses. But automatic suspension is not only not “appropriate”—it is harmful and counterproductive.

In compliance with federal law, Maryland law (MD Code Family Law 10-119) permits the Agency to suspend a parent’s driver’s license if they have 60 days or more of arrears. Notably, the

state law, like the federal law, says that the Agency may suspend, not that it must. Despite this discretion, the Agency uses an automated lottery system where every parent with 60 days or more of arrears is automatically placed in a randomized pool of people who can potentially be selected for license suspension each month. It is hard to imagine a more arbitrary, unthinking use of government power.

To be sure, the text of the Maryland law already has enumerated exceptions that limit the Agency's authority to suspend driver's licenses. For example, it bars the Agency from suspending a driver's license if the suspension would impede employment, if the parent has a documented disability resulting in a verified inability to work, or if the parent is paying on their arrearage balance per a payment agreement. In reality, the automated system is completely unfettered and operates as if the already enumerated exceptions do not exist in the statute. We know this because we represent clients every day who fit squarely into an exception, but still have their driver's license suspended.

The automated system does not have any mechanism that removes parents who fit into an enumerated exception from the pool of people who can be randomly selected each month for license suspension. These violations of the statute are particularly egregious for MLA clients, all of whom are low-income and many of whom are disabled, elderly, or both. Parents accrue arrearage balances for many reasons; the assumption is that they are all "dead-beat dads," but most often MLA clients accrue arrears as a result of a medical or disability-connected inability to work, or lack of education or qualification for high or even moderate paying jobs. Many MLA clients' arrears have accrued for years while they attempted to obtain child support modifications themselves, without a lawyer, due to difficulties navigating the court system. Many other clients also accrue arrears while incarcerated, including as a result of the failed war on drugs. Once they get out, it is hard enough to find employment with a criminal record, and not having a driver's license exacerbates an already uphill battle.

MLA routinely assists clients with driver's license reinstatement if they fit into an already enumerated exception in the law. Reinstatement, however, is merely a temporary solution. If the parent has an arrearage balance of 60 days or more, they are still in the pool of people who can be selected for license suspension each month and often will receive another license suspension notice a few months later. The automated system's gross lack of due process disproportionately affects low-income and/or disabled MLA clients. Clients living in poverty often have unstable housing and no stable mailing address. Thus, obligors are not notified effectively that their license will be suspended. When these clients discover the issue during a routine traffic stop, they receive a criminal citation for driving on a suspended license. This type of conviction has devastating consequences, particularly in terms of barriers to employment, as it could potentially lock in previous charges that otherwise would have been expungable.

Even with this legislation, the child support agency would retain the statutory authority to suspend driver's licenses in appropriate cases—just as they have the authority to suspend professional/occupational and recreational/sporting licenses in appropriate cases. Suspending driver's licenses of low-income parents does not increase the program's effectiveness, which is to

increase financial stability for children and families—as is required under the controlling federal statute. Relatedly, while the true solution may be elimination of the automated system in its entirety, if implemented correctly, this change will have long-term positive impacts on low-income communities across Maryland. MLA thanks you for the opportunity to provide input and urges the committee to give SB 0164 a favorable report.



Stacy Bensky, Esq.
Staff Attorney, Maryland Legal Aid
410-951-7755 (Office Phone)
sbensky@mdl.org

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Position: FWA

Date: February 2, 2023

Bill number: SB0164

Committee: Senate Judicial Proceedings Committee

Bill title: **Driver's Licenses - Suspension for Child Support Arrearages - Exception**

DHS Position: **FAVORABLE WITH AMENDMENT**

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide favorable written support with amendments needed in order for the Child Support Administration (CSA) to successfully implement Senate Bill 164 (SB 164).

All states are federally required to have a Drivers' License Suspension (DLS) Program. Maryland's CSA utilizes the DLS Program to intervene as early as possible with obligors who find themselves two months or more out of compliance with payment of their child support orders. Advising obligors of an impending driver's license suspension as early as possible creates an opportunity and incentive for noncompliant obligors to contact their local child support office to access the various services that may be available to them. Such services may include employment programs, state-owed arrears forgiveness programs, and assistance with modifying a child support order that no longer accurately reflects an obligor's ability to pay following a material change in circumstances. This early intervention method is critical to ensuring that an obligor avoids incurring an excessive arrearage that may result in more aggressive enforcement mechanisms, including incarceration for contempt and additional penalties, later in the CSA enforcement proceedings.

The DLS Program is one of CSA's most successful early intervention enforcement tools to ensure that children receive the support they need from their parents. On average, nearly ten percent of child support collections each year in Maryland are received after an obligor has been referred to the DLS Program due to their arrearage accumulation. The DLS Program is an effective enforcement tool, used by CSA to collect an average of \$50 million annually, collections which families rely upon for the care and sustenance of their child(ren). DHS recognizes that, for certain obligors, this enforcement tool may have the reverse effect as it may negatively impact an obligor's employment opportunities or ability to get to work. For this reason, in 2004 the Maryland General Assembly passed legislation adding several grounds an obligor could raise to seek exemption from the DLS program, including one allowing an obligor to challenge a driver's license suspension because it would be an impediment to current or potential employment.

Senate Bill 164 acknowledges that the DLS program is valuable to DHS' enforcement toolbox, while offering a new exemption for Maryland's lower income obligors. As drafted, SB 164 would establish an exemption for using this early intervention and enforcement tool for obligors whose income is at or below 300% of the federal poverty level. However, as written, the bill cannot be implemented due to CSA's inability to obtain information that is required to determine whether an obligor's income exceeds 300% of the federal poverty guidelines, which would require CSA to know (1) the number of people in an obligor's family or household, and (2) the respective income of *all* those individuals. Currently, CSA does not track the number of family members or housemates of the parties for whom they provide child support services, nor is there any authority for CSA to obtain income information on individuals who are not parties to a child support order.

In order to successfully implement this bill, and allow obligors to seek an exemption from the DLS Program based on their income, the Department respectfully recommends the following amendments:



Proposed Amendment 1: Specify that the income determination for the exemption be based on the federal poverty guidelines *for an individual*, to reduce the amount of information required and simplify the process for CSA to determine whether an obligor may/may not be referred for the DLS Program.

Proposed Amendment 2: Similar to the existing exemptions outlined in Maryland statute, instead of creating a wholesale exclusion from the DLS Program, allow an obligor's reduced income to serve as a basis for challenging a DLS referral. CSA requests moving the exemption clause proposed further down the statute to where the other grounds for challenging a DLS referral exist. See Md. Code Ann., Fam. Law 10-119(c)(1)(i).

Proposed Amendment 3: Substitute "federal poverty guidelines" where the bill currently reads "federal poverty level" in order to avoid confusion and in accordance with recommendations from the U.S. Department of Health and Human Services, the agency that periodically releases the federal poverty guidelines.

Proposed Amendment 4: Insert a specific year and dollar amount for determining what federal poverty guideline amount should apply to the exemption analysis to create consistency and avoid any ambiguity in the statute.

Proposed Amendment 5: Add language to clarify that the judicial determination of voluntary impoverishment needs to be made at the time when the most recent child support order was issued in order to ensure that the exception to the exemption is narrowly applied.

Proposed Amendment 6: Reduce the applicable income threshold from 300% of the federal poverty guidelines to 200% of the federal poverty guidelines, which aligns the statute with the recommendations made in the Abell Report 2019.

Moving forward, it is the desire of DHS to continuously seek the income data needed to make ongoing assessments and program revisions to improve the ways in which we serve families. It is the goal of CSA to best serve the whole family by balancing obligor compliance and ability to pay with ensuring children receive the financial support necessary to grow and thrive.

The Department is grateful to offer our support with the Committees receipt and acceptance of the above enumerated amendments. DHS welcomes collaboration with the Committee on SB 164 and requests a favorable with amendments report.

