

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of House Bill 435

Child Support - Incarcerated Obligor

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

FROM: Job Opportunities Task Force

DATE: March 21, 2024

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-wage workers and job seekers in Maryland. **JOTF supports House Bill 435, which would alter provisions for child support for obligors who are incarcerated.**

House Bill 435 would allow the court to determine that if a person becomes incarcerated, that would qualify as a material change of circumstance that warrants a modification of child support if the party's ability to pay is sufficiently reduced due to incarceration. It also strikes the stipulation that arrearages may not accrue only if the obligor was sentenced to a term of imprisonment of 180 consecutive days or more and if the obligor did not commit the crime with the intent on being incarcerated or otherwise impoverished. Lastly, it states that incarceration shall not be considered voluntary impoverishment.

This bill is a common sense piece of legislation. It is glaringly obvious that an individual who is incarcerated, unless they are on a work release order, has had a material change of circumstance regarding their financial state and ability to pay. The vast majority of Marylanders with child support orders are not wealthy individuals who are able to make consistent payments without access to employment. It would be unreasonable to expect them to pay without having practical means to earn income while being incarcerated. In addition, this bill recognizes the impact that incarceration has on an individual's life. 180 days is less than half a year, but that time can still have significant implications on someone's circumstances. Even an abbreviated stay in jail or prison should trigger a modification of child support; there can be no understating how disruptive this can be for an individual. And there is no systemic issue of individuals voluntarily getting themselves incarcerated in order to avoid child support payments. While there might be a few isolated incidents that qualify, overall this is not an occurrence that is frequent enough to warrant recourse as it is currently written in the Family Law code. Once again, this is a common sense solution that simply addresses pressing concerns with the child support enforcement system.

For these reasons, JOTF supports House Bill 435 and urges a favorable report.

For more information, contact:

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