

SB0174_HB0311_FAV_HOPE.pdf

Uploaded by: Antoin Quarles

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Antoin Quarles, Executive Director

H.O.P.E. empowers men and women to make the transition from incarceration to community successfully and permanently. We help connect returning citizens with practical matters to remove barriers of reentry, such as resources for job and GED training; managing case-worker and other appointments; and developing new coping skills, accountability, life laws, and strong relationships to help deal with the stresses of life outside jail or prison, as well as deeper hurt and trauma. support(s) Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% 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 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

[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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. Many people are disabled, *not* in arrears, or with primary custody of their children, having their licenses suspended.

Senate Bill 174/ House Bill 311 will resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It is not wise to remove transportation access for people who may or may not owe money as it prevents them from paying. This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

HB0311_FAV_AprilleHamilton.pdf

Uploaded by: Aprille Hamilton

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Aprille Hamilton

My name is Aprille Hamilton, a resident of District 8, and I support(s) Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

I have a 10-year-old daughter from a previous relationship and a 9-month-old that I am raising by myself. I left my previous relationship after surviving multiple domestic violence situations with my ex, the 9-year-old's father, and then moved out. It was not easy, I struggled to secure housing and ended up in a shelter.

At this point, I lost custody of my daughter and my ex then placed me on child support where I had my wages garnished and my license suspended. My quality of life plummeted significantly and I had to reach back out to him, my abuser, and plead with him to drop the order, which he eventually did. I am blessed that the situation worked the way that it did but no one should have to plead with their abuser to repeal a child support case.

Years later, I moved to Alaska for waitress work on a cruise ship. During this time, he placed me on child support again for my daughter and because I was not in state, I did not receive the court order to push back. I now owe him \$20,000 in arrears and my license has been suspended since April of last year. There is **no way** that I can pay down this debt.

I have been frantically searching for employment opportunities but am constantly denied due to not having a license. If this bill were to pass, I could make a case in court, retrieve my license, and support my son. Please pass these bills!

MAJR_SUP_HB0311_24RS.pdf

Uploaded by: Bill Carlson

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Luke Clippinger and House Judiciary Committee Members,
From: Jennifer Zito and Bill Carlson, MAJR executive committee

January 29, 2024

The Maryland Alliance for Justice Reform (MAJR) asks you to support of HB 0311 - Child Support - Suspension of Driver's License.

We believe HB 0311 is a sensible bill that will help correct a flaw in the current policies relating to driver's license suspension due to child support arrears. Under the current system an impoverished parent who is behind in their child support payments can have their driver's license automatically suspended. 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 current system often has consequences that are not in the best interest of the child. Further, the punishment can paradoxically make the parent in arrears less able to make further child-support payments. Being handicapped by not being able to drive reduces the ability of parent to function. Or, choosing to drive with a suspended driver's license can create a ripple of further negative outcomes such as fines, arrest, and sometimes even imprisonment. The current system disproportionately affects low-income parents and families.

The basic approach taken by HB 0311 is a fundamental change from the current system. HB 0311 requires that the Maryland Department of Human Services (DHS) petition the court to suspend a license and provide clear and convincing evidence to the court that the proposed suspension is appropriate. Under the current system, DHS automatically enters obligators who are 60 days behind on child support into the suspension program with limited opportunity to contest or show that they are eligible for one of the many exemptions provided in the law. The new approach offered by HB 0311 is much more aligned with standard practices in a just society in which the government must show that a punishment is appropriate, not that the suspected wrong doer must show their innocence. It also is in compliance with the requirements of federal law (42 USC 666(a)) which requires that states have the authority to suspend licenses "in appropriate cases". The current automatic suspension system is neither required or "appropriate" -- It is harmful and counterproductive.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give HB 0311 a favorable report.

HB0311_FAV_CFUF.pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Christopher Dews, Policy Consultant

DATE: February 1st, 2024

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% 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 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

[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). To this end, [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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. Maryland Legal Aid and the University of Baltimore have reported individuals who are disabled, *not* in arrears, or with primary custody of their children, having their licenses suspended.

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 who were able to find another job reported a decrease in income.**

House Bill 311 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It proceeds to determine that a suspension is not appropriate for the obligor if:



1. The minor lives primarily with the obligor;
2. The obligor is disabled and unable to work;
3. Suspension would cause the obligor to be out of compliance with another court order;
4. Suspension would ruin the ability to assist the custodial parent with the child's transportation needs;
5. The suspension would risk the loss of employment or employment opportunities;
6. The obligor could not pay or is making arrangements to pay;
7. If the suspension would place an undue hardship on the obligor or the family;
8. The reported arrearage amount is not accurate; or
9. The Administration has agreed with the obligor through the payment incentive program.

The Center for Urban Families believes this is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

SB0174_HB0311_FAV_SAMPLE (Public).pdf

Uploaded by: Daryl Yoder

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: **Daryl Yoder**, 309 Glenmore Ave., Catonsville, MD 21228

I support Senate Bill 174/ House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases.

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% 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 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are necessary for economic sustainability.

[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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. Many people are disabled, *not* in arrears, or with primary custody of their children, and are having their licenses suspended. For the reasons indicated above, this disproportionately affects communities of color in Maryland and is therefore part of the work to improve racial equity and justice in our state.

Senate Bill 174/ House Bill 311 will resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It is not wise to remove transportation access for people who may or may not owe money as it prevents them from paying. This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

Written Testimony HB0311 Donte Peoples.pdf

Uploaded by: Donte Peoples

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 0311/SENATE BILL 0174

Child Support – Suspension of Driver's Licenses

Judiciary Committee

Hearing: February 1, 2024

Position: FAVORABLE

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

FROM: Donte Peoples

My name is Donte Peoples. I reside in **District 35A**. I support HOUSE BILL 0311/SENATE BILL 0174 to ensure driver's license suspensions are only used in appropriate cases, and to ensure other families are not harmed by the child support system the way my family has been harmed.

From 2014 – 2023 my driver's license was suspended 15 times for child support. Meanwhile, my son has been living with me for the majority of that time. I told the child support agency that my son lives with me, but they did nothing to help me.

In 2017, I got a court order from the Circuit Court terminating my obligation to pay child support because my son lives with me. I took this court order to the child support agency but they kept suspending my license on and off, and they kept garnishing my wages, even though the court order said they were supposed to close out my case. In 2022, I got a custody order from the Circuit Court granting me sole legal and physical custody of my son. Still, the child support agency kept suspending my driver's license. I pleaded with them to stop suspending my license and told them how badly it was affecting my work because I'm a truck driver. The caseworkers told me to make payments so they would reinstate my license, but they said they don't have control over it being suspended again or another suspension coming down the pike because it's all done through the computer. Well, if you don't have control over a machine then that's a huge problem.

I drive trucks for a living. These suspensions have caused me to lose jobs and to lose out on potential job opportunities. Many of the big trucking companies have rules where they don't even consider hiring you if you've had a license suspension in the last 3 years. This past summer, I thought my license was in good standing and I was out of state making a delivery for work to a military base. The military base does routine background checks before anyone can enter the property. Through this routine background check they informed me my driver's license was suspended. Because of this, I was not able to finish the work delivery, and I lost my contract with that trucking company.

After that, Maryland Legal Aid got involved. Through litigation they were finally able to get the child support agency to close out my child support case—something the court ordered them to do back in 2017. To say the child support system has had devastating effects on my family is a massive understatement. I'm trying to take care of my son, and this system that's

supposed to help families keeps doing everything they can to hurt my family. They have made it almost impossible for me to be able to care for my family financially. Every set back and frustration from them makes me want to give up, but I know I have to keep going for my son.

I hope these bills will help other families to not have to go through the hardships I went through at the hands of the child support agency. I urge a favorable report of HOUSE BILL 0311/SENATE BILL 0174, and I urge you to pass these bills to help families like mine, dads like me, and kids like my son. We don't deserve to be harmed by a government system that is supposed to be helping families.

HB0311_FAV_DwanBurton.pdf

Uploaded by: Dwan Burton

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Dwan Burton

DATE: February 1st, 2024

My name is Dwan Burton, and I reside in District 32. I support House Bill 311 to ensure that driver's license suspensions for inability to pay child support are used in appropriate cases. 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. Still, 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.”

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. It does not consider the non-monetary support that a parent may be provided, which could be of great overall value to the child. In essence, not consider 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 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). Several programs in Maryland 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 nearly \$10 million in incarceration costs (Hoback, 2017). Parents are housed at diversion centers and travel to and from work, allowing parents to keep their jobs with the hope they can meet their obligations.



Georgia's parent accountability court is similar to drug courts. Parents are required to attend education and job training and find employment. Similarly, Texas' diversion program, the 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, Driver's Licenses - Suspension for Child Support Arrearages - Exception 2017). Work-oriented diversion families keep families together, lower state incarceration costs, and support employment opportunities for nonresident parents.

We urge a favorable report on House Bill 311 for these reasons and more.

testimony2024hb311ltr.pdf

Uploaded by: Franz Schneiderman

Position: FAV



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

**Testimony to the House Judiciary Committee
HB 311 – Child Support – Suspension of Driver’s Licenses –
Position: Favorable**

The Honorable Luke Clippinger, Chair
House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401
Cc: Members, House Judiciary Committee

Feb. 1, 2024

Honorable Chair Clippinger and Members of the Committee:

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 **HB 311** because it takes strong steps to protect drivers who are obligated to pay child support against the burdensome and counter-productive punishment of losing their license to drive – a sanction that not only can put drivers at risk of serious further punishment but undermines their ability to earn a living – and to meet their child support and other family obligations.

Paying child support is of course an important obligation. But for many MD 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. And when a parent loses the right to drive, that 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 or visit their children or uphold other family obligations.

Once a person’s license is suspended, he or she is also 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 dos, in part

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

because they need to drive to get to work and meet their obligations – that often extends a cycle of financial shortfalls and punishment that leaves people with even greater legal difficulties and more deeply in debt. This cycle predictably leaves them less able to pay their child support and meet other needs.

And in those cases where a parent actually is earning significant income, but is not using that money to pay their child support, that income can often be withheld or garnished to help meet those debts. So, in most cases it's hard to see how making it more difficult for that person to earn a living by suspending a debtor's driver's license does anything but hurt his or her ability to pay child support.

Unlike some bills that seek to reform this practice that this committee has considered in recent years, which have sought to set conditions or limits on driver's license suspensions, this bill addresses the problem in a more fundamental way: By authorizing the MVA to be notified of a child support arrearage only if a court affirmatively finds that a license suspension is appropriate under the law.

The bill mandates that the court make such a finding only if the obligor: has the funds to pay the child support obligation; if those funds aren't subject to other collection and enforcement mechanisms; and if a license suspension is actually in the best interest of the child in question. It prohibits such an order if the debtor can establish (among other conditions), that a license suspension would interfere with his/her employment or ability to visit or help transport the child, that the minor child being supported is living with the debtor, or that the debtor has a documented disability that interferes with his/her ability to work. It also requires the debtor to be properly notified of a petition for suspension of his/her license and extends from 60 days to 120 day the time a person with a non-commercial license must be behind on his/her child support obligations before being subject to such sanctions.

Under our current practices, hundreds of Marylanders each year lose their driving privileges because they're struggling to pay their child support – and some have their licenses suspended without even knowing that this has happened. This causes greater financial and legal jeopardy for many Marylanders – and doesn't help children get the support they need.

This bill would add protections that promise to limit those suspensions to a much smaller state of cases where parents are genuinely making a conscious and irresponsible choice not to pay their child support.

We support **HB 311** and ask that you give it a **FAVORABLE** report.

Sincerely,

Franz Schneiderman
Consumer Auto

HB 311 - Child Support - Suspension of Driver's Li

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of House Bill 311

Child Support - Suspension of Driver's Licenses

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

FROM: Job Opportunities Task Force

DATE: February 1, 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 311, which ensure that driver's license suspensions for inability to pay child support would be used in an appropriate manner.**

Mobility is key in Maryland's regional economy. The Census Bureau reported that almost [40% 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 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit](#). Thus, a valid driver's license and a vehicle are overwhelmingly critical for a noncustodial parent to maintain an income that can be used to make child support payments in the first place.

[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). To this end, [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, regardless of their circumstances or ability to pay. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made as to whether or not a suspension would be appropriate. This automated process has led to cases where individuals who are the primary custodial parent, disabled, or not in arrears in the first place have had their license suspended. Many Maryland based organizations that offers legal aid to low income individuals can attest to this; it is not a niche concern but a widespread issue.

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 who were able to find another job reported a decrease in income.**

House Bill 311 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It proceeds to determine that a suspension is not appropriate for the obligor if:

1. The minor lives primarily with the obligor;
2. The obligor is disabled and unable to work;
3. Suspension would cause the obligor to be out of compliance with another court order;
4. Suspension would ruin the ability to assist the custodial parent with the child's transportation needs;
5. The suspension would risk the loss of employment or employment opportunities;
6. The obligor could not pay or is making arrangements to pay;
7. If the suspension would place an undue hardship on the obligor or the family;

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

8. The reported arrearage amount is not accurate; or
9. The Administration has agreed with the obligor through the payment incentive program.

JOTF believes this is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

For these reasons, JOTF supports House Bill 311 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

HB 311 Written Testimony .pdf

Uploaded by: Karen Simpson

Position: FAV

KAREN SIMPSON
Legislative District 3
Frederick County

Judiciary Committee



The Maryland House of Delegates
6 Bladen Street, Room 221
Annapolis, Maryland 21401
410-841-3436 · 301-858-3436
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Karen.Simpson@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Favorable HB 311 - Child Support - Suspension of Driver's Licenses

Hearing on 2/01/2024 at 2:00pm

To: Chair Clippinger, Vice Chair Bartlett, and Fellow Members of the Judiciary Committee

The purpose of HB 311 - Child Support - Suspension of Driver's Licenses is to significantly reduce the number of inappropriate driver's license suspensions due to child support arrearage that jeopardize the care and welfare of the child or children involved.

A child's care and wellbeing heavily relies on a parent or guardian's financial stability and ability to earn income. When that ability is threatened, hindered, or impeded due to the suspension of their license, we no longer achieve our ultimate goal in serving the best interests of the child.

HB 311 establishes due process for the suspension of driver's licenses due to child support arrears by shifting the process to the courts.

This ensures that the license suspension is only used when appropriate and useful in serving the best interest of the child. Such as, if the court finds by clear and convincing evidence that the obligor has funds that are not accessible by garnishment or able to be intercepted, then the Child Support Enforcement Administration (CSEA) is permitted to notify the Motor Vehicle Administration (MVA) to suspend the license.

Most income is able to be collected through other collection and enforcement mechanisms.

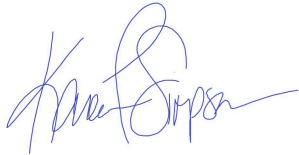
The process to reinstate a suspended driver's license is not only long and laborious, but also costly for the CSEA. In addition, many of these suspensions have led to the loss of jobs, income, and car insurance while **all of them have resulted in missed work time.**

HB 311 clarifies that suspensions are more likely profitable when the CSEA has clear and convincing evidence that the obligor has the financial means to pay the arrearage but is deliberately withholding payments. This helps the courts to determine and confirm the appropriateness of the suspension.

In conclusion, I strongly urge you to pass HB 311 to reduce the number of wrongfully suspended licenses and better serve the best interests of the child. Thank you for your time and consideration in supporting our Child Support Enforcement Administration and improving our system.

I ask for a favorable report of HB 311 - Child Support - Suspension of Driver's Licenses.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read "Karen Simpson". The signature is fluid and cursive, with a large initial "K" and "S".

Delegate Karen Simpson
Legislative District 3 - Frederick County

hb311.pdf

Uploaded by: Linda Miller

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 311
Child Support – Suspension of Driver’s Licenses
DATE: January 16, 2024
(2/1)
POSITION: Support

The Maryland Judiciary supports House Bill 311. This bill would amend the circumstances and process set out in Family Law Article, § 10-119 under which the Child Support Administration (CSA) may notify the Motor Vehicle Administration (MVA) of an individual’s child support arrearages in order to suspend the individual’s driver’s license or privilege to drive.

This bill would increase the operational efficiency of the court. Currently, persons are repeatedly suspended, restored, and res-suspended with a multitude of hearings required. This bill will help ensure suspensions are not used inappropriately and will streamline and target the process for the courts.

The Judiciary notes that it would be helpful to have a definition for the term “arrearage balance.” It is unclear whether “arrearage balance” is the entire arrearage owed or the most recent amount that the obligor has not paid. For example, if the obligor has a \$1,000 per month child support obligation, a \$250 per month arrearage payment obligation, and is \$10,000 in arrears, must the court find that the obligor has the ability to pay the entire \$10,000 arrearage balance (or is otherwise voluntarily impoverished) to determine that suspension is appropriate?

cc. Hon. Karen Simpson
Judicial Council
Legislative Committee
Kelley O’Connor

HB0311_FAV_MichaelRoss.docx (1).pdf

Uploaded by: Michael Ross

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 174/ HOUSE BILL 311

Child Support – Suspension of Driver's Licenses

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

FROM: Michael Ross

My name is Michael Ross. I reside in **District 46** in Baltimore and I support SENATE BILL 174/ HOUSE BILL 311 to ensure drivers license suspensions are only used in appropriate cases. I've had custody of my daughter since 2015 and yet my drivers license was still suspended and my check kept being garnished for years. I support these bills to make sure other parents and families aren't harmed by the child support system in the way that my daughter and I were.

In 2009, my daughter was born to me and my then-girlfriend. We stuck it out together to raise our child until 2012, when it was discovered that she had severe mental health issues. Life happens to us all, but where it became painful was that she refused to let me see my daughter even though there was no hearing for custody. She placed me on child support for the sole purpose of securing state assistance which would have been fine if she had informed me of her plan and not led to garnishments in my wages. My license was suspended immediately since I was unaware of the payments, and my wages were garnished. Again, there was no court order or hearing that I was informed of, but before I knew it, I was driving illegally. In 2015, CPS picked up my daughter from her mother, stating that her mental state continued to deteriorate. At this point, I decided enough was enough and fought in court to receive custody of my daughter, which I achieved in October 2015.

I thought that would end the drama, but it did not. My wages continued to be garnished, and my license stayed suspended despite my having full custody of my daughter. My wages and taxes were intercepted through 2019, again, despite having full custody of my daughter. For years, I spoke with the child support administration to sort out my case - showing them that I have full custody of my daughter, but the suspension was never lifted. This put me in danger whenever I stepped outside to take her to the doctor, school, or even to visit her mother since it is illegal to drive on a suspended license.

In 2019, Maryland Legal Aid sorted out my situation and fought the Child Support Administration to lift my license suspension and receive the intercepted taxes. Stacy Bensky of Legal Aid has helped me secure \$4360 in tax intercepts and wrongly garnished child support payments. Child Support has been brutal - but my biggest concern was the loss of my license and wages. I'm currently a facilities manager at a high-rise building in Baltimore, but we travel often. I can't continue to risk losing access to my license. If I can't drive, then I can't work; if I can't work, NO ONE will take care of my daughter.

SENATE BILL 174/ HOUSE BILL 311 is an excellent move to help parents like me protect our access to employment for what can be a needlessly predatory system. It allows the courts to properly examine if a suspension is justified. I urge a favorable report on SENATE BILL 174/ HOUSE BILL 311 for these reasons.

2024 01 30, HB 311_FLSC_FAV.pdf

Uploaded by: Michelle Smith

Position: FAV

To: Members of The House Judiciary Committee

From: Family Law Section Council (FLSC)

Date: January 30, 2024

Subject: House Bill 311:
Child Support – Suspension of Driver’s Licenses

Position: FAVORABLE

The Maryland State Bar Association (MSBA) Family Law Section Council **supports House Bill 311.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family law legal issues and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Maryland Code, Family Law Article § 10-119 allows for the Maryland Child Support Enforcement Agency (“the Agency”) to suspend driver’s licenses if an obligor has been out of compliance with their child support order for more than 60 days. Driver’s license suspension is an enforcement tool that carries enormous collateral consequences, such as the inability to go to work or participate in a child’s life. While Federal law requires states to have procedures for suspending driver’s licenses when there has been noncompliance with a child support order, it also cautions that this tool should be used only in “appropriate cases.” 42 U.S.C. § 666(a)(16). Indeed, Maryland law itself states that license suspension may not be appropriate in cases where it would be an impediment to current or future employment, or where the obligor is disabled. See Md. Code Fam. Law § 10-119(c).

However, under the Agency’s current procedures for referring noncompliant child support obligors to the Motor Vehicle Administration (“MVA”) for driver’s license suspension, there is no way to identify and separate the cases in which driver’s license suspension would be appropriate

from those in which suspension would be inappropriate. Currently, the Agency uses an automated system to transmit a random selection of noncompliant obligors to the MVA for license suspension each month. Under this automated system, the Agency lacks the ability to sift through all of the cases in which payment has not been made in 60 days to determine which cases involve circumstances where it would be appropriate to suspend the obligor's license.¹

As a result, driver's license suspension has been used imprecisely and ineffectively as an enforcement mechanism. In a number of cases, the Agency has erroneously suspended the licenses of individuals who are disabled, those who require driver's licenses for work, and those who are actively making payments to catch up with delinquent orders. Furthermore, because the Agency uses an automated system that does not allow for the selective referral of cases for license suspension, custodial parents are unable to seek help from the Agency in deploying this enforcement tool in specific cases where suspension *would* be appropriate.

House Bill 311 revamps the Agency's procedures for referring delinquent child support cases for license suspension. It prohibits the Agency's use of an automated lottery system to decide which cases to refer to the MVA each month, instead creating a judicial process whereby the Agency would have to petition the court for approval to suspend an obligor's driver's license in appropriate cases. This bill also explicitly lists specific circumstances in which it would be inappropriate to seek license suspension, such as when the obligor now has custody of the minor child, is disabled, or requires the use of a car for employment. This new system would allow far more control, caution, and deliberation when using driver's license suspension as an enforcement tool, ensuring that this remedy is only sought in cases where it would be appropriate and effective.

For the reason(s) stated above, the MSBA Family Law Section Council **supports Senate Bill 174 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com.

¹ The Agency has acknowledged that it uses an "automated system" that is unable to "identify [cases in] which parents may be at or below the federal poverty level." [Letter of Concern: SB 844, Maryland Department of Human Services, March 10, 2022](#). The Agency currently does not conduct a "manual review of every child support case in the CSA caseload" before deciding which cases should be referred to the MVA for license suspension. *Id.*

SB 311- NAACP Testimony.pdf

Uploaded by: NaShona Kess

Position: FAV



NAACP

Maryland
STATE CONFERENCE

HB 311 – Child Support – Suspension of Driver’s Licenses Hearing of the House Judiciary Committee

Position: Favorable

January 31, 2024
The Honorable Delegate Clippinger, Chair
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Honorable Chair Clippinger and Members of the Committee:

I am writing on behalf of the Maryland State Conference of the NAACP. We support Senate Bill 311, Child Support – Suspension of Driver’s Licenses, which is currently before the House Judiciary Committee. We ask that all members of the committee support this very important legislation that ensures due process before suspending licenses for child support.

This legislation provides parents with the right to due process and a right to be heard prior to the suspension of their license. An individual may have a reasonable explanation for being 60 days late on child support. Currently, the suspension is automatic and does not leave room for one to evaluate the individual circumstances that may contribute to the arrearages. Some reasonable explanations can include, that the minor child lives with the obligor, that the suspension would ruin the ability to assist the custodial parent with the child’s transportation needs, the obligor is disabled, and risking the loss of employment opportunities.

Research demonstrates that lower income communities of color are more likely to be affected by license suspensions connected to child support payments. The Abell foundation has found that “42% of individuals who had their licenses suspended [also] lost their jobs.” The loss of a job is directly related to the suspension of their license. This is counter to the desired goal of encouraging the individual to make child support payments. In addition, low-income workers are largely impacted since the ability to travel may be important to maintaining their ability to work. 40% of Marylanders travel outside their county for employment and public transportation may not have the ability to meet the travelers needs as only 8.5% of jobs in Baltimore, for example, can be reached within one hour on public transportation.

Currently 71% of the license suspensions in 2015-2020 are made up of Black parents, which is of deep concern to the Maryland NAACP. Child support debt also contributes to arrests and incarceration which further impacts communities of color. It should be best practice to allow individuals the right due process when facing the suspension of their license.

House Bill 311 will assist in resolving this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It is not wise to remove transportation access for people who may or may not owe money as it prevents them from paying. This is a rational approach to ensuring

that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, we urge a favorable report.

For these reasons, we support HB 311 and strongly urge your support to protect all the citizens of Maryland.

In Service,

NaShona Kess, Esq., MLS

Executive Director

Nashonakess.mdnaacp@gmail.com

Testimony in support of HB0311.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

2/1/2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#/0311 - POSITION: FAVORABLE
Child Support - Suspension of Driver's Licenses

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of HB#/0311, Child Support - Suspension of Driver's Licenses

This bill is an attempt to correct an injustice and a nonsensical application of law to a situation that, once corrected, will solve a significant problem in how the Child Support Enforcement Administration deals with persons in arrears on support/

An individual's child support arrears can only be remediated if that individual is earning an income that can be applied to resolve the arrears. Yet the current situation, the suspension of an individual's driver's license or privilege to drive, works to severely retard or completely stop that ability to remain employed to earn income to satisfy a judgement on monies owed. If you take away the ability of the individual to commute to employment where a public transit solution is unavailable, you are stopping that earning capacity. The individual then will become further behind in their obligations with limited or no path to recoup and repay obligations.

This punitive current law does not serve the interest of the person with the debt nor the persons who are owed the payment of child support. If we are to create economic justice in Maryland we must make every effort to help people earn income that can be applied to any expense, including child support, that they owe.

I respectfully urge this committee to return a favorable report on HB#/0311.

Written Testimony HB0311 Stacy Bensky-Maryland Leg

Uploaded by: Stacy Bensky

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

House Bill 0311

**Child Support – Suspension of Driver’s Licenses
In the Judiciary Committee
Hearing on February 1, 2024
Position: FAVORABLE**

Maryland Legal Aid (MLA) submits its written and oral testimony on HB 0311 in response to a request from Delegate Simpson.

MLA appreciates the opportunity to testify in support of this vital legislation. This legislation would do two main things. First, it would ensure parents with child support orders are provided due process before their driver’s license is suspended. Second, it would establish criteria for when suspending a license for alleged child support arrears is appropriate. This will temper the harmful effects of the current arbitrary, automated driver’s license suspension system used by the Maryland Child Support Enforcement Agency (“the Agency”), and it will ensure that the Agency only suspends driver’s licenses in situations that would help children and families, not cause them harm. MLA urges passage of this bill.

MLA is a private, nonprofit law firm that provides free legal services to thousands of low-income Maryland residents in civil matters. MLA’s representation of non-custodial parents in child support cases has revealed significant inequities in the Agency’s automated driver’s license suspension system. The current system criminalizes poverty and disproportionately harms low-income families.

State and Federal laws authorize the use of driver’s license suspension as an enforcement mechanism for non-custodial parents who are behind on their child support payments. Currently, the Agency automatically places any parent who has 60 days or more of arrears in a pool of people who may be randomly selected each month to be referred to the Motor Vehicle Administration (“MVA”) for driver’s license suspension. The MVA reported 20,512 driver’s license suspensions for child support in calendar year 2023. House Bill 0311 would significantly reduce that number by implementing a system where driver’s license suspensions are only used when appropriate, rather than as a blanket punishment. This bill creates a safeguard that Maryland residents desperately need against erroneous and egregious license suspensions.

MLA's clients are routinely harmed by driver's license suspensions.

MLA routinely assists parents with driver's license suspensions. Through this work, MLA has found that parents have their licenses suspended:

- Even when custody has changed, and the child now lives with them;
- Even when they are making payments towards their arrearage balance pursuant to a payment agreement;
- Even when they need their driver's license for work;
- Even when the suspension causes them to lose their job;
- Even when they are disabled and unable to work and therefore unable to make payments; and
- Even when they need their license to be an involved and active parent.

MLA has also found that parents are denied driver's license reinstatement requests by the Agency:

- Even when they provide proof that custody has changed, and the child now lives with them;
- Even when they provide proof that they need their driver's license for work;
- Even when they provide proof that the suspension will cause them to lose their job; and
- Even when they provide proof of a pending or potential job opportunity that requires a valid driver's license.

The following are just a few examples of the many cases where MLA clients have suffered the harmful consequences of improper and inappropriate driver's license suspension:

- Mr. M is an MLA client who was granted custody of his son by the Circuit Court. Mr. M provided a copy of the new custody order to the Agency, showing that custody had changed and he is now the custodial parent. Yet, the Agency **still suspended his license**. Mr. M only discovered his license was suspended when he was pulled over for a minor traffic infraction in Virginia. Due to the suspended license, Mr. M's car was impounded and he was stranded outside in the pouring rain with his wife and children. Ultimately, Mr. M had to pay to get his car out of impound, and he was charged with driving on a suspended license.
- Mr. R is an MLA client who was granted sole custody of his daughter in the Juvenile Court, after the mother was found to be unfit due to abuse and neglect. He provided a copy of the custody order to the Agency, showing that custody had changed and he is now the custodial parent. **Mr. R's driver's license was still suspended**, which he learned only after being pulled over for a minor driving infraction. As a result, Mr. R received a criminal citation for driving on a suspended license.

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- Mr. P is an MLA client who was granted sole custody of his son in the Circuit Court. The court also granted Mr. P's request to officially terminate his obligation to pay child support, in light of the change in custody. Mr. P provided copies of the court orders to the Agency, but **his driver's license was still suspended**. Mr. P drives trucks for a living, and he had no idea that his license had been suspended until he was out of the state, making a work delivery to a military base. The military base ran a routine background check on him, which revealed that his license had been suspended. As a result, Mr. P was unable to complete his work delivery, and **he was terminated from his job** with that trucking company.
 - Mr. G is an MLA client whose children began residing with him full time a few years ago. Mr. G filed motions to modify both custody and child support, but these motions are still pending in the Circuit Court, as he has had trouble serving the mother, who moved out of state. Mr. G made the Agency aware of the change in custody and the pending court proceedings. Nevertheless, Mr. G received a letter informing him that **his license would be suspended**. Mr. G makes his living by driving for Uber, and he provided proof to the Agency that the suspension would cause him to lose his job, but the Agency refused to lift the suspension unless he made a large lump sum payment.

We at MLA know that child custody can change rapidly in low-income families. Sometimes neither parent has stable housing or employment, so custody might switch depending on which parent has more reliable housing or income at any given point in time. While a custody switch might happen overnight, a legal modification of a custody or child support order in the Circuit Court takes at minimum a year, and often longer. The current child support enforcement system does absolutely nothing to protect parents from having their driver's license suspended even in these situations where custody has changed and the former non-custodial parent is now the custodial parent.

Most parents we help have no idea their driver's license is suspended until they are pulled over. What would have been a minor traffic violation then turns into a criminal citation that carries with it collateral consequences ranging from their car being impounded, losing their job, missing shifts and losing wages, court dates, points on their license, increased insurance costs, and more. Further, a charge for "driving on a suspended license" acts as a subsequent conviction that will lock in earlier criminal charges on someone's record that otherwise would have been expungeable.

HB 0311 would require the Agency to seek driver's license suspension only in appropriate cases, and to provide due process before the right to drive can be taken away.

Establishing specific criteria for when suspending a license for child support is appropriate will keep Maryland in line with the controlling Federal law, 42 U.S.C. § 666(a)(16), which states that driver's license suspensions (along with professional/occupational and recreational/sporting license suspensions) should only be

used “in appropriate cases” in order to “increase the effectiveness of the program.” The purpose of the child support enforcement program is to increase economic stability for children and families, yet the Agency’s current driver’s license suspension system is the antithesis of the Federal requirement that this tool is to be used “in appropriate cases.” As exemplified above, license suspensions are often not only not “appropriate”—but also harmful to children and families and counterproductive to obtaining and keeping steady employment. Further, the current system is in stark contrast to Md. Code Family Law § 10-118, which mandates that the Agency “shall promote and serve the best interests of the child.”

HB 0311 calls for the implementation of a system of due process that will ensure the constitutionality of Maryland’s procedures for suspending driver’s licenses. The U.S. Supreme Court has found that driver’s licenses are essential in the pursuit of a livelihood, and cannot be taken away without the procedural due process required by the Fourteenth Amendment.¹ This bill is in line with the 2020 legislation introduced by then-Attorney General Frosh and passed by the Maryland legislature that stopped the MVA from suspending driver’s licenses for fines and fees. The logic behind the passage of those laws was simple: people need driver’s licenses to secure and maintain employment so that they are able to pay their fines and fees. That simple logic applies here: parents need driver’s licenses to secure and maintain employment so that they are able to pay their child support. Most child support is collected through wage garnishment and tax refund intercepts. Both of these collection mechanisms require the parent to have lawful, steady employment—to which driver’s license suspension is an impediment.

Driver’s license suspensions simply do not work as a child support enforcement mechanism for those who are living in poverty and do not have the ability to pay. They create an obvious barrier to employment and make it difficult to be an involved and active parent. Once the non-custodial parent’s driver’s license is suspended, they are unable to contribute in other ways—for example, picking the child up for visits, carpooling to school, doctor’s appointments, etc.

The current automated system for driver’s license suspension is dysfunctional and perpetuates the cycle of poverty.

On its face, the current law (Md. Code Family Law § 10-119) already has enumerated exceptions that limit when the Agency can suspend driver’s licenses. The text of Md. Code Family Law 10-119 has exceptions for parents who are disabled, parents who are making consistent payments on their arrearage balance per a payment agreement, and parents who need their license for employment. In reality, however, the automated system is completely unfettered and operates as if those exceptions do not exist in the statute. MLA

¹ *Sniadach v. Family Finance Corp.*, 395 U.S. 337, 89 S.Ct. 1820, 23 L.Ed.2d 349 (1969); *Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970); *Bell v. Burson*, 402 U.S. 535, 539, 91 S. Ct. 1586, 1589, 29 L. Ed. 2d 90 (1971).

regularly sees clients who fit squarely into an exception, yet still have their driver's license suspended. This is because 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.

If a parent falls under an exception, they can use it as a reason to request that the Agency reinstate their license. However, reinstatement, if granted by the Agency, is merely a temporary solution. If the parent still 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 they often will receive another license suspension notice a few months later. Further, license reinstatement does not make up for the damage that may have already been done; they might have already lost their job, been criminally charged with driving on a suspended license, or missed out on participating in an important event in their child's life because of their suspended license. Many parents are stuck in a perpetual cycle of threatened or actual license suspension.

The current driver's license suspension system undoubtedly perpetuates the cycle of poverty. HB 0311 replaces the current automated system with a judicial process that would ensure that parents receive due process before their licenses are suspended, and that the Agency uses this tool only in truly appropriate cases. Agency staff would not have to spend so much of their time and resources on handling reinstatements of inappropriate and erroneous license suspensions. Rather, they could focus their resources on those rare cases where the parent is purposefully hiding or withholding money, or voluntarily impoverishing themselves.

If this legislation were to pass, it would have long-term positive impacts on low-income communities and on Maryland's economy as a whole. MLA thanks you for the opportunity to provide input and urges the committee to give HB 0311 a favorable report.

If you have any questions, please contact:

Stacy Bensky, Esq.
Staff Attorney, Maryland Legal Aid
410-951-7755 (Office Phone)
410-852-5204 (Cell Phone)
sbensky@mdlaborg

HB0311_FAV_WendyBlackwell.pdf

Uploaded by: Wendy Blackwell

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 311:

Child Support - Suspension of Driver's Licenses

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

FROM: Wendy Blackwell, Director of Practitioners Leadership Institute

DATE: February 1st, 2024

I am Wendy Blackwell Fortune, Director of Practitioners Leadership Institute for the Center of Urban Families, a workforce program in Baltimore City that advocates for legislative initiatives to help families achieve stability and economic success. We support House Bill 311 because it supports families by ensuring that the harm caused by removing a parent's ability to drive is only used in appropriate cases.

According to a University of Minnesota report, only 8.5% of jobs in the Baltimore region can be reached within one hour, one way by public transit, making access to a valid driver's license and car vital to securing employment. However, The MVA reported that they suspended 22,000 driver's licenses for child support arrears last year - primarily in Baltimore City - an increase of 5,000 since 2022. Many of these suspensions were of CFUF members, disproportionately from lower-income urban communities, who have struggled to obtain or maintain sufficient employment to pay back their arrears. This is especially true for our returning citizens, as child support payments *do not stop* while an individual is incarcerated. What's worse is that many of our members have primary custody over their children but still have their licenses suspended due to inaccuracies in the reporting system. The suspension mechanism is not an effective compliance tool for our members or Baltimore City Residents.

In Baltimore, 57 percent of noncustodial parents were employed, and 47 percent earned the minimum wage 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. 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 who were able to find another job reported a decrease in income.**

House Bill 311 seeks to resolve this by ensuring that before the Child Support Enforcement Administration notifies the MVA of an obligor in arrears, a circuit court hearing needs to be established to determine if the suspension is appropriate. It examines an obligor's current contributions to the child and the impact of license suspensions on the obligor's employment prospects, transportation access, and relationship with the child. This is a rational approach to ensuring that the state is not needlessly endangering the well-being of families by limiting the obligor's access to employment and quality time with their child. For these reasons, I urge a favorable report.

2024-02-01 HB 311 (Letter of Information).pdf

Uploaded by: Adam Spangler

Position: INFO

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
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CAROLYN A. QUATROCKI
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February 1, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: House Bill 311 – Child Support – Suspension of Driver's Licenses (**Letter of Information**)

The Office of the Attorney General (OAG) offers this letter of information on House Bill 311 – Child Support – Suspension of Driver's Licenses. House Bill 311 provides that before the Child Support Administration notifies the Maryland Vehicle Administration of an obligor in arrears, a circuit court hearing must be established to determine if the suspension is appropriate.

The OAG recognizes that due to Maryland's regional economy, which results in a significant number of individuals traveling outside of their county of residence of employment, having a valid driver's license is key to economic success. However, the OAG's concern with House Bill 311 is the *potential loss of federal funding for the State*. As a condition for receiving federal funds, federal law requires states to have effective procedures for suspending or restricting delinquent obligors' driver's licenses. See 42 U.S.C. §§ 654(20), 666(a)(16). By creating such lofty barriers for driver's license suspensions (i.e., by requiring CSA to prove by clear and convincing evidence that an obligor has the funds to pay the entire arrearage balance, but is choosing not to, or by prohibiting a license suspension if it would impede visitation of a child, which could potentially apply to every child support obligor), the federal Office of Child Support Services may conclude that Maryland is out of compliance with federal law, and thus ineligible to receive TANF funding. This conclusion may lead to the loss of federal funding for the TANF/TCA program, which provides millions of dollars in financial assistance to approximately 40,000 Marylanders per month in an effort to help them achieve economic self-sufficiency.

The OAG asks the Judiciary committee to take the above concerns into consideration while deliberating House Bill 311.