
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.*