
To: Members of the House Judiciary Committee

From: Family Law Section Council (FLSC)

Date: March 22, 2024

Subject: Senate Bill 139
Driver's Licenses - Suspension for Child Support Arrearages - Exception

Position: FAVORABLE

The Maryland State Bar Association (MSBA) Family Law Section Council **supports Senate Bill 139.**

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).

A 2019 Abell Foundation report authored by Vicki Turetsky, the former Commissioner of the Federal Office of Child Support Enforcement, noted that:

“When parents have sufficient resources to pay child support, but refuse to do so, the threat of driver’s license suspension can be an effective enforcement tool for collecting support payments. However, when parents cannot afford to pay all of their child support, driver’s license suspension carries serious ramifications

for parents, employers, and families, raising potential due process concerns . . .
Data show that driver’s license suspensions affect the poor to a much greater
extent than other income groups.¹”

Suspending the driver’s licenses of low-income obligors who are behind on their child support payments is counterproductive. Without the ability to drive, these obligors are less likely to find and maintain gainful employment, and, thus, less likely to catch up with their child support order. SB 139 would prohibit the Agency from referring obligors earning less than 250% of the Federal poverty threshold to the Motor Vehicle Administration (“MVA”) for driver’s license suspension. Exempting low-income obligors from this practice not only benefits low-income families, but also the State; the Agency will refer fewer cases to the MVA, and the MVA will spend less of its time and fewer resources on suspending and reinstating licenses.

As an enforcement tool, license suspension should be used only where it will actually make a difference to the collection of child support for minor children, not where it would be detrimental to that purpose. SB 139 ensures that driver’s license suspension can be used where appropriate and effective, and it protects low-income families from potential harm.

For the reason(s) stated above, the MSBA Family Law Section Counsel **supports Senate Bill 139 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com or Lindsay Parvis at 240-399-7900 or lparvis@jgllaw.com.

¹ [The Abell Report: Reforming Child Support to Improve Outcomes for Children and Families. June 2019.](#)