



TESTIMONY IN SUPPORT OF SENATE BILL 106/ HOUSE BILL 110:

Child Support - Suspension of Driver's Licenses

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

FROM: Trina Selden, Executive Director

Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. It advocates for reforming policies and practices that adversely affect successful reintegration into society. OFJ supports Senate Bill 106 and House Bill 110 to ensure that driver's license suspensions for inability to pay child support are used only 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.**

Senate Bill 106/ House Bill 110 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 mainly with the obligor;
2. The obligor is disabled and unable to work;
3. The suspension would risk the loss of employment or job opportunities;
4. The obligor could not pay or is making arrangements to pay;
5. The Administration has agreed with the obligor through the payment incentive program.
6. The transportation needs of the child would not be met;
7. If the suspension would place an undue hardship on the family; or
8. The reported arrearage amount is not accurate.

Out for Justice 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.