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POSITION ON PROPOSED LEGISLATION

BILL: SB 0106 Child Support- Suspension of Driver's License

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: January 20, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0106.

My name is Cindy Najhram, and I am a supervising attorney with the Maryland Office of the Public Defender, Prince George's County. I am responsible for the supervision of the Child Support attorney that represents our clients on the Child Support Contempt docket. I have also personally represented our clients appearing on the Child Support Contempt docket.

I support this bill for numerous reasons. The first reason being that I have witnessed first-hand the negative impact that results in suspending a client's driver's license due to child support arrearages. The negative impact is that the client is economically disadvantaged by the suspension of their driver's license. This of course impacts their employment and any future employment endeavors as it limits their mobility and ability to move timely to and from employment ultimately resulting in a cycle of not being able to pay child support because the client cannot maintain steady employment without a valid license. Furthermore, many jobs require a valid license and reliable transportation and with a suspended license that eliminates potential employment. It further impacts the client's other responsibilities and obligations as it pertains to the care of their child.

Secondly, the proposed bill addresses the frequent issues that arise in court such as where the minor child is residing; whether the individual has a disability preventing them from being employed; the direct impact on their current and future employment; the lack of funds to pay despite making reasonable efforts to comply with their child support obligations, a resolution including a payment

schedule for the arrearages and the undue hardship on the minor child, individual and the child support recipient.

All the above issues are specifically addressed in Section (3) of the proposed bill and states the following (direct quote from the proposed Bill below):

...

(3) The Court may not make a finding that suspension of the obligor's license or privilege to drive is appropriate if:

(1) The obligor proves by a preponderance of the evidence any of the following factors:

- 1. The minor child is residing primarily with the obligor;*
- 2. The obligor has a documented disability resulting in a verified inability to work;*
- 3. Suspension of the obligor's license or privilege to drive would be an impediment to current or potential employment;*
- 4. The obligor does not have the ability to pay and is making reasonable efforts to become or remain employed;*
- 5. The Administration reached an agreement with the obligor, including through a payment incentive program for a scheduled payment of the arrearages, or the court issued order for a scheduled payment of the arrearages, and the court determines that the obligor is complying with the agreement or the order;*
- 6. Suspension of the obligor's license or privilege to drive would be an impediment to the obligor's ability to assist with the transportation needs of the minor child; or*
- 7. Any other circumstance that the court determines would place an undue hardship on the minor child, the child support payment recipient, or the obligor; or*

...

(Proposed SB0106)

The Bill also considers that the arrearages reported may be inaccurate. The Bill further provides safeguards and promotes equity and fairness by considering the many factors that are often overlooked at a hearing until a defense attorney brings it to the Courts' attention. This Bill gives the Court a clear roadmap of the many issues that may arise and allows the Court to examine the individual's situation and to determine whether the suspension of one's license is truly the appropriate decision as it pertains to the individual that is appearing before them.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 0106.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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