



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 22, 2025

The Honorable Will Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB 106 - CHILD SUPPORT - SUSPENSION OF DRIVER'S
LICENSES - POSITION: INFORMATIONAL ONLY**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide a letter of information regarding Senate Bill 106 (SB 106). The proposed bill would transfer to the Circuit Courts the authority for referring a noncustodial parent who is out of compliance with their child support order to the Driver's License Suspension (DLS) program. We met with Senator Muse to discuss the Child Support Driver's License Suspension program after the January 14, 2025 bill hearing on our Department's Senate Bill 195 (SB 195).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. Our Child Support Administration (CSA) implements the child support program affected by SB 106. This legislation impacts the Drivers License Suspension program, a tool leveraged to increase engagement with non-custodial parents who have arrears and are unable to pay. We believe the concerns regarding due process and the referral of parents to the driver's license suspension program are best addressed by SB 195. We are working with both Senator Muse and Senator Watson to develop additional amendments to SB 195 to strengthen and clarify the bill's efforts to modernize child support in Maryland and support parents and their children.

We do not believe the courts are the best government agency to determine whether referral to the Driver's License Suspension program is appropriate for child support cases in arrears. Courts are currently backlogged and burdened with heavy child support dockets as evidenced by the frequency with which child support orders are issued with child support payment amounts backdated months from the date of the order (in accordance with Family Law §12-101).

Because of docket backlogs, many noncustodial parents are in arrears the day the child support order is issued. Long back-dated orders cause even more debt burden for parents who are unable to pay. Delays would only increase with legal motions to compel or subpoenas to produce financial information necessary to determine if they are able to pay. Moreover, if a parent fails to appear for a court hearing, a warrant could be issued further burdening Sheriff's offices with more service requests and risking parent incarceration.

While SB 106 might appear to provide additional due process, it would do so at the expense of delaying the process and would certainly apply the court's more punitive tools for compelling compliance with judicial processes. In addition, the court's predictable delays risk driving non-custodial parents further into arrears at the very moment when a parent's proactive engagement with the Child Support Administration can make an enormous difference. Finally, removing authority from CSA impedes parental access to employment and supportive services that can help parents struggling to make ends meet connect to employment opportunities so that they can, in fact, provide support for their children.

Critically, Senate Bill 106 relies on the parent's ability to pay the arrears balance. The ability to pay down arrearages would be a new requirement on parents. Currently, CSA considers a parent's ability to make the court ordered payments. Consistent payment of the court ordered amount is all that is required to avoid collection actions.

We agree it is critical to distinguish between parents who cannot pay child support and parents who will not pay. We agree that parents experiencing poverty should not be penalized with driver's license suspension. However, we are deeply concerned that full judicial proceedings would delay resolution, increase arrearages, and imperil parents already struggling. Critically, a judicial end-run around administrative process also impedes parental engagement with employment development, supportive services, and arrearage forgiveness programs provided through our department.

We appreciate the opportunity to offer informational testimony to the Committee as you consider how best to modernize child support in Maryland. Our bill, SB 195, requires more equitable implementation of the Driver's License Suspension program, encourages parental engagement so CSA information is up to date, and

maintains parental opportunities for receiving help. When child support orders are equitable and parents have help when they need it, parents can avoid arrearages and collection actions while improving payment consistency and reliability.

We believe our Departmental bill, SB 195, would effectuate our shared policy objectives, ensure we remain compliant with federal statutory and regulatory requirements, and better serve Maryland's children, parents, and families. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López
Secretary