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The Honorable Delegate Luke Clippinger, Chair
House Office Building, Room 101
Annapolis, Maryland 21401

Support (FAV) – HB 323 – Domestic Partnership and Marriage – Required Information

Dear Chair Clippinger and Committee Members:

My name is Alexis Burrell-Rohde. I am the Register of Wills for Baltimore County and am testifying in favor of House Bill 323.

A revision to our Domestic Partnership statute, Estates & Trusts, § 2-214 because the statute does not currently comply with federal law, specifically 42 U.S.C. § 666, "Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement."

42 U.S.C. § 666 requires "each State [to] have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the [child support enforcement] program which the State administers under this part." As part of this mandate, 42 U.S.C. § 666 (13)(A) requires states to collect the social security numbers of people applying for certain licenses including: marriage licenses, professional licenses, drivers' licenses, hunting licenses, etc. so that the division of child support enforcement can perform a data match to find individuals who owe child support.

The text of that section of 42 U.S.C. § 666 (13)(A) is as follows:

(13)Recording of social security numbers in certain family matters.—Procedures requiring that the social security number of—

(A) any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application.

If a state fails to comply with these requirements, the state risks a loss of their federal TANF funds, so the stakes are high for noncompliance.

While there hasn't been any case law to my knowledge where a state lost TANF funds for failing to require the collection of social security numbers for Domestic Partnership Registrations, the spirit of the law strongly suggests that the collection of social security numbers would be required.

Currently, Maryland's Domestic Partnership law, Estates & Trusts, § 2-214, does not provide for the collection of social security numbers. HB 323 would be a simple update to ensure that the State complies with federal law.

Under current law, statute sets forth the priority of the payment of claims in an estate. This statute comes into play when an estate does not have enough assets to cover all claims - the claims with a higher priority are paid first. Right now, unpaid child support and alimony fall have the lowest priority "All other claims." This is the same priority as unsecured debt, such as credit cards. The state's children deserve better.

I respectfully recommend a favorable report on House Bill 323 and appreciate the Committee's thoughtful attention.

Best regards,

Alexis Burrell-Rohde

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