

House Bill 681

Child Support – Driver’s License Suspension for Arrearages and Court Orders
In the House Judiciary Committee
Hearing on February 20, 2025
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its testimony on HB 681 at the request of Delegate Toles.

MLA appreciates the opportunity to testify in support of this vital legislation. MLA is a private, nonprofit law firm that provides free legal services to thousands of low-income Maryland residents in civil matters. MLA represents both custodial and non-custodial parents in family law cases. In doing this work, we have found that wrongful driver’s license suspensions for alleged child support arrears are a recurrent and widespread problem. Driver’s license suspensions disproportionately harm low-income families, and the Maryland Child Support Enforcement Agency (“CSA”)’s automated driver’s license suspension system fails to reliably provide notice and the opportunity for a hearing prior to license suspension.

Driver’s license suspensions are not effective as a child support enforcement mechanism for those who are living in poverty and do not have the ability to pay. License suspensions create a barrier to employment and make it difficult to be an involved and active parent. Once a parent’s driver’s license is suspended, they are unable to contribute in other ways—for example, transporting their child to school, doctor’s appointments, visits with family, etc. Further, most child support is collected through wage garnishment and tax refund intercepts. These collection mechanisms both require the parent to have lawful, steady employment—to which driver’s license suspension is an impediment.

Three bills have been introduced to Maryland’s legislative body this session presenting potential solutions to this problem. **HB 110**, directly addresses MLA’s concerns about the lack of due process within the current suspension system. It presents a systemic fix, where a parent’s driver’s license could only be suspended after a judicial determination of appropriateness has been made, based on a number of factors that take into account the parent’s ability to pay and the individual circumstances of the family as a whole. **HB 681** does not directly address the due process concerns, but it creates a much-needed exemption to license suspension for low-income parents that, if implemented correctly, would help MLA clients and low-income communities tremendously. **HB 218** also addresses the harms of license suspensions for low-income families, but, rather than creating an affirmative exemption to screen out low-income parents as HB 681 does, it allows parents to request an investigation of the suspension based on their low-income status.

HB 681 seeks to significantly reduce the number of license suspensions by exempting parents with incomes “not greater than 250% of the federal poverty guidelines” from driver’s license suspension. This would aid low-income families by tempering the harmful effects of driver’s license suspensions.

The numbers and the absence of due process.

In 2023, the MVA, at the express direction of CSA, suspended 20,512 licenses for alleged child support arrears. **Of those 20,512 suspensions, only 34 hearing requests** were made to the Office of Administrative Hearings (“OAH”). This astonishing disparity is a predictable consequence of CSA’s consistent failure to inform parents of their rights¹ to request an investigation, to receive a decision with the results of said investigation in writing, and to appeal that decision to OAH. Failure to inform parents of those rights violates constitutional due process, Md. Code, Family Law § 10-119, and COMAR 07.07.15.05. Certainly, if parents were informed of their right to request a hearing with OAH prior to suspension, more than 34 hearing requests would have been made out of the 20,512 suspensions in 2023.

“Adequate notice is integral to the due process right to a fair hearing because the ‘right to be heard has little reality or worth unless one is informed.’” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

Many parents have no idea their license is suspended until they are pulled over for a traffic stop.

What would have been a minor traffic violation then turns into a criminal citation. A criminal citation serves as another barrier to employment and carries with it collateral consequences ranging from their car being impounded, job loss, missed shifts and lost wages, court dates, points on their license, increased insurance costs, fines, and even incarceration. Not receiving notice prior to suspension is especially common for low-income parents, as they often do not have a stable home or mailing address.

The current automated system keeps many low-income parents in a perpetual cycle of threatened or actual license suspension.

On its face, the current law already has enumerated exceptions that limit when CSA can suspend driver’s licenses. The text of Md. Code, Family Law § 10-119 has exceptions for parents who have a disability, parents who are making consistent payments on their arrearage balance per a payment agreement, and parents who need their license for employment. But MLA regularly sees clients who fit squarely into an exception and still have their driver’s license suspended.

MLA assists clients who fall under exceptions in the law with license reinstatement. However, reinstatement is merely a temporary solution. If the parent still has an arrearage balance of 60 days or more, it is only a matter of time before they are re-selected and again referred to the MVA for suspension. We must warn clients to be on constant alert of being re-selected for suspension by the automated system used by CSA to suspend driver’s licenses.

¹ Md. Code, Family Law § 10-119 and COMAR 07.07.15.05

Adding this exemption for low-income parents will help children and families by making license suspensions more effective as a child support enforcement mechanism. Targeting those who have the ability to pay would allow CSA to focus their resources on pursuing those specific cases where the parent is purposefully hiding or withholding money, or voluntarily impoverishing themselves.

The current system does not protect parents from license suspension when custody has changed and the former non-custodial parent is now the primary caretaker of the child.

Child custody can change rapidly in low-income families. For example, custody may vary depending on which parent has more reliable housing or income at any given point in time. While a change in custody might happen overnight, a legal modification of a custody or child support order in the Circuit Court takes at minimum a year, and often longer. For low-income parents who cannot afford attorneys, navigating the court system is extremely difficult. What is already a long process can be made more complicated if the other parent does not have a stable address where they can be properly served. It is sometimes while waiting on this lengthy court process that MLA clients (who now have custody of their child) have their license suspended.

MLA clients have their licenses suspended and are often denied reinstatement requests by CSA, even when:

- Custody has changed, and the child now lives with them;
- They are making payments towards their arrearage balance;
- They need their driver's license for their current job or a potential job opportunity or interview;
- The suspension causes them to lose their job;
- They have a verified disability and inability to work and make payments; and
- They need their license to be an involved and active parent.

The following are examples of MLA clients who have suffered the harmful consequences of improper and inappropriate driver's license suspension:

- Mr. R is an MLA client who was granted sole custody of his daughter in the Juvenile Court, after the mother was found to be unfit due to abuse and neglect. He provided a copy of the custody order to CSA, showing that custody had changed and he is now the custodial parent. **Mr. R's driver's license was still suspended**, which he learned only after being pulled over for a minor driving infraction. **Mr. R received a criminal citation for driving on a suspended license.**
- Mr. P is an MLA client who was granted sole custody of his son in the Circuit Court. The Circuit Court also granted Mr. P's request to officially terminate his obligation to pay child

support, in light of the change in custody. Mr. P provided copies of the court orders to CSA, but **his driver's license was still suspended**. Mr. P drives trucks for a living, and **he was terminated from his job** due to his suspended license.

- Mr. G is an MLA client who drives rideshare. Mr. G provided proof to CSA of his weekly Uber rides and the fact that **license suspension would cause him to lose his employment** and therefore his income, but CSA refused to lift his license suspension unless he made a large lump sum payment.
- Mr. M is an MLA client whose children are all now adults. He still owes child support arrears, but he is disabled and his only source of income is Supplemental Security Income (“SSI”) disability benefits. Mr. M has been threatened with license suspensions **five times in a one-year period**. Each time, he goes to his local child support office and provides proof of his disability and continued receipt of SSI. CSA requires him to make a lump sum payment to have his license reinstated, despite the fact that he is supposed to be excepted from license suspension under Maryland law, and SSI is exempt from collections for child support under both Maryland and federal law.

HB 681 will ensure Maryland's compliance with federal law.

Concerns have been raised about Maryland's federal funding, but this bill will in no way negatively impact Maryland's federal funding. The controlling federal laws, 42 U.S.C. §§ 666(a)(16) and 654(20), require only that states have the authority to suspend or restrict driver's licenses “*in appropriate cases*,” to “increase the effectiveness of the program.” By exempting parents who are 250% below the federal poverty line, HB 681 makes clear that it is not appropriate to suspend driver's licenses in situations where the suspension will hurt, rather than help, families. This bill will help to stop the inappropriate and erroneous suspensions that have harmed MLA clients, such as the ones described above.

This bill is also in line with the 2020 legislation introduced by then-Attorney General Frosh and passed by the Maryland legislature that stopped the MVA from suspending driver's licenses for fines and fees. The logic behind the passage of that legislation was simple: people need driver's licenses to secure and maintain employment so that they are able to pay their fines and fees. That simple logic applies here: **parents need driver's licenses to secure and maintain employment so that they are able to pay their child support**.

The purpose of the child support enforcement program is to increase economic stability for children and families, but CSA's current driver's license suspension system, which ensnares and punishes every parent who falls behind 60 days or more on child support, **perpetuates the cycle of poverty** for low-income families. If this legislation is implemented correctly, it would have long-term positive impacts on low-income communities and on Maryland's economy as a whole.

However, given that the current automated system used by CSA to suspend licenses presently does not screen for whether parents fall into one of the existing statutory exceptions, MLA has serious concerns about the implementation of this bill. **In order to accomplish the true systemic impact that is intended from this bill, it must be properly implemented by requiring CSA to affirmatively exempt and screen out those who are 250% below the federal poverty guidelines from their automated system.**

Therefore, MLA urges the committee to give a favorable report to this bill, HB 681, and also urges the committee to consider further requirements or oversight of the implementation. MLA also urges the committee to consider the joint passage of HB 110, which would remove the current automated system and therefore ensure that this bill, and the exemption for low-income parents, is properly implemented. Thank you for the opportunity to provide input on this important legislation. If you have any questions, please contact me at avora@mdl.org