



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY SENATE

BILL 347: Child Support - Suspension of Driver's Licenses

TO: The Honorable William C. Smith, Chair, and Members of the Senate Judicial Proceedings Committee

For the record, I am Senator Anthony Muse of the 26th District in Prince George's County, presenting Senate Bill 347 for your consideration. This bill updates Family Law 10-119, which governs the license suspension laws for nonpayment of child support, to define when it is and when it is not appropriate to suspend the driver's license.

[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 120 days of nonpayment of child support, the Child Support Administration shall send notice to the Motor Vehicle Administration to have the obligor's license or privilege to drive suspended. The suspension mechanism is automated through the Child Support Enforcement Agency, and **no** determination is made about whether a suspension would be appropriate. This is out of step with federal compliance, not due to negligence on the part of the Administration or the obligor, but because Maryland's law governing suspensions lacks a clear definition of when it is appropriate to suspend an obligor's driver's license. Maryland Legal Aid and the University of Baltimore have reported that individuals who are making payments, disabled, *not* in arrears, or [with primary custody of their children](#) are consistently having their licenses suspended.

Senate Bill 347 seeks to resolve this by:

1. Defining that the suspension of the driver's license is "appropriate" because the obligor has the funds to pay but is making a free and conscious choice to withhold payment.
2. Allowing that suspensions should occur *after* acknowledging that other enforcement mechanisms have been unsuccessful.
3. Ensuring that obligors are alerted to the Administration's actions in writing and electronically.
4. Clarifying in statute the circumstances under which a suspension would be inappropriate, specifically when:
 - a. The reported arrearage is inaccurate.
 - b. The child resides primarily with the obligor.
 - c. The Administration has reached an agreement with the obligor, and the obligor *is complying with the agreement*.

- d. Suspension would be an impediment to the obligor's current or potential employment; or
- e. The suspension would place an undue hardship on the child, recipient, or obligor because the obligor has a documented disability or would be unable to comply with the court's orders.

With these updates to the license suspension statute, I strongly believe that the error rate in suspended licenses will be sharply reduced and that the Child Support Administration will save time and money in pursuing obligors who are able to care for their children but actively refuse to do so. I urge a favorable report.