
To: Members of The Senate Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 6, 2026

Subject: Senate Bill 347
Child Support – Suspension of Driver’s Licenses

Position: **UNFAVORABLE**

The Maryland State Bar Association (MSBA) FLSC **opposes Senate Bill 347**.

This testimony is submitted on behalf of the Family Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,100 attorney members.

While the FLSC appreciates the intent of SB 347 to promote fairness in the suspension of driver’s licenses for child support arrearages, the bill, as drafted, creates procedural hurdles so high that license suspension would be effectively unenforceable, even in cases of willful nonpayment.

SB 347 conditions driver’s license suspension for child support arrearages on two new requirements: (1) that the Child Support Administration verify the obligor is making a “free and conscious choice” to withhold payment despite having the funds to pay, and (2) that the Administration provide mandatory electronic notice to the obligor. While well-intentioned, these provisions create enforcement barriers that risk rendering license suspension largely unworkable.

The requirement that the Administration determine an obligor is making a “free and conscious choice” to withhold payment imposes a subjective, intent-based standard that is exceptionally difficult to establish at any level, let alone by an administrative agency. Proving willfulness typically requires financial discovery, sworn testimony, or court findings, tools not available during routine child support enforcement. As a result, even obligors with clear payment histories demonstrating



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noncompliance may avoid license suspension simply because the Administration cannot conclusively verify that the obligor made a “free and conscious choice.”

The practical effect would be that license suspension will rarely, if ever, be triggered.

Maryland law already recognizes the concept of voluntary impoverishment, but SB 347 effectively requires the Administration to make a similar determination without judicial process. This shifts the burden away from the obligor to explain nonpayment and places it squarely on the Administration to prove intent, an inversion that undermines effective enforcement.

SB 347 further requires “written and electronic” notice at multiple stages of the suspension process. While notice is critical, making electronic notice mandatory could raise significant practical concerns. Many obligors do not maintain reliable electronic contact information, change email addresses frequently, or intentionally avoid electronic communication. Also, emails are not officially collected for all obligors. Conditioning enforcement on electronic notice invites delay, disputes over receipt, and procedural challenges that can stall enforcement indefinitely.

While the goal of fairness is important, the bill, as drafted, risks making license suspension effectively unavailable, even in cases of willful nonpayment, thereby weakening one of the State’s most effective child support enforcement tools.

For the reason(s) stated above, the MSBA FLSC **opposes Senate Bill 347 and urges an UNFAVORABLE committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com, or Brendan Madden at 410-383-1525 or bmadden@rghlawyers.com.