

SB 319-Child Support Assignment of Rights-Foster C

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Position: FAV

SENATE BILL 319
Family Law – Child Support – Assignment of Rights
In the Senate Judicial Proceeding Committee
Hearing on February 3, 2026
Position: FAVORABLE

Maryland Legal Aid submits its written testimony on SB 319 at the request of its sponsor, Senator C. Anthony Muse.

Maryland Legal Aid asks that the Committee report **favorably** on SB 319, which calls on the Maryland Department of Human Services (DHS) to formally abandon the harmful practice of collecting state-owed child support payments from parents whose children are in foster care – except in rare circumstances where such collections would be appropriate. Maryland Legal Aid is Maryland’s largest private, civil nonprofit law firm, providing free legal services to indigent Maryland residents. Maryland Legal Aid assists low-income Marylanders in every county with a wide array of civil legal issues. Maryland Legal Aid’s family law attorneys advocate for low-income parents in divorce, custody, child support, and domestic violence matters. Maryland Legal Aid represents children in Child in Need of Assistance (CINA) matters throughout the state, in twenty-two jurisdictions.

Through our work, Maryland Legal Aid has observed firsthand how poverty plays a significant role in shaping the legal issues families face. Family poverty is strongly correlated with exposure to the child welfare system.¹ Parents whose children have been removed from their homes and placed into state care are often concurrently battling dire financial circumstances, resulting in hardships such as housing instability, inability to afford childcare, food insecurity, lack of transportation, and underemployment or unemployment.

Yet, in Maryland and many other states, government agencies routinely exacerbate the financial burdens of parents whose children have been placed in the foster care system by filing child support cases against them in court. Payments made by parents in these cases do *not* go to their children but are instead *kept* by the government to recoup the costs of providing foster care. This practice, known as “cost recovery,” led to Maryland taking over 2.6 million dollars away from parents with children in foster care between 2020 and 2024.² Not only do these cost recovery cases extract scarce financial resources from struggling families by forcing them to pay the

¹ See e.g. Thomas MMC, Waldfogel J. “What kind of ‘poverty’ predicts CPS contact: Income, material hardship, and differences among racialized groups.” *Children and Youth Services Review* (2022), available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8972944/>; Dvalishvili, D., Jonson-Reid, M., & Drake, B. “Childhood poverty and foster care placement: Implications for practice and policy.” *Child Abuse & Neglect*, 154, 1–12 (2024), available at <https://doi.org/10.1016/j.chiabu.2024.106926>.

² Office of Child Support Enforcement, “Preliminary Report FY 2024” (2024) available at https://acf.gov/sites/default/files/documents/ocse/fy_2024_preliminary_report.pdf

government for keeping their children in foster care, but when parents are unable to pay the child support orders established in these cases, they accrue government-owed debt.

Research has shown that charging parents for their children’s stay in foster care is harmful to families.³ These child support cases further impoverish low-income parents, making it harder for them to engage in reunification efforts with their children, thus prolonging their children’s stay in the state’s custody. Furthermore, studies have found that this type of cost recovery is, in fact, *not* cost-effective; state governments end up collecting less money than they expend on litigating these child support cases.⁴ For example, according to federal child support data,⁵ Maryland may have lost over \$200,000 on pursuing child support cases against parents with children in foster care in 2023.⁶

For these reasons, in 2022, the federal Administration for Children and Families (ACF) released new guidance calling on state child welfare agencies “to implement a policy where the default position is **not** to refer parents to the child support agency” for foster care cost recovery.⁷ The ACF recognized that requiring low-income parents “to pay child support to the state to offset the cost of their child placed in foster care . . . can negatively impact a family that is trying to

³ Cancian, Maria & Cook, Steven T. & Seki, Mai & Wimer, Lynn, 2017. “Making parents pay: The unintended consequences of charging parents for foster care,” *Children and Youth Services Review*, (2017), available at <https://www.sciencedirect.com/science/article/pii/S0190740916303425>

⁴ See e.g. Chellew, Carol, Noyes, Jennifer L. & Selekmán, Rebekeh, “Child Support Referrals for Out-of-Home Placements: A Review of Policy and Practice,” Institute for Research on Poverty, October 2012, available at https://www.irp.wisc.edu/wp/wp-content/uploads/2018/06/Task6_CS_2011-12_CSPII.pdf; Washington State Department of Social and Health Services, Division of Child Support, “Washington’s Cost Effectiveness for Foster Care Child Support Cases,” June 7, 2019, available at <https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/Cost%20Effectiveness%20FC%20collections%20FINAL.pdf>; Orange County Department of Child Support Services, “Child Support and Foster Care,” July 2020, available at <https://www.css.ocgov.com/sites/css/files/import/data/files/116568.pdf>.

⁵ See Office of Child Support Enforcement, “Preliminary Report FY 2023” (2023), available at https://acf.gov/sites/default/files/documents/ocse/fy_2023_preliminary_report.pdf; Children’s Bureau, “Title IV-E Programs Expenditure and Caseload Data 2023” available at <https://acf.gov/cb/report/programs-expenditure-caseload-data-2023>.

⁶ See *id.* In 2023, the Maryland child support program’s total administrative costs were \$157,358,692 and its total caseload was 161,932 child support cases. This amounts to an administrative expenditure of \$971.75 per child support case. With Maryland seeking child support from parents with children in foster care in 681 cases in 2023, the government’s total administrative cost of pursuing these cases was likely \$661,761.75 (\$971.75 x 681 cases). Yet, Maryland only collected \$424,550 in foster care cost recovery child support cases in 2023, presumably resulting in a programmatic loss of roughly \$237,210.75.

⁷ Administration for Children & Families, U.S. Department of Health and Human Services, “Joint Letter Regarding Assignment of Rights of Child Support for Children in Foster Care,” July 29, 2022, available at https://www.acf.hhs.gov/sites/default/files/documents/cb/letter_regarding_assignment_rights_child_support_for_children_foster_care.pdf.

develop and maintain familial and economic stability to reunify with their child. It is not in the best interest of any family to be pursued for child support when they have already been whipsawed by economic insecurity, family instability, and separation.”⁸

After this guidance was issued, several states, including California, Michigan, Montana, North Dakota, and Washington, took legislative or administrative steps to curtail the collection of child support from parents whose children are in foster care, and other states are considering similar measures. Here in Maryland, Maryland Legal Aid was very encouraged when DHS filed a bill (SB 195/ HB 218) during the 2025 legislative session that, among other provisions, created statutory language clarifying that cost recovery child support cases should be filed against parents with children in foster care in only *limited* circumstances. That bill did not pass last year, and DHS has not re-filed any legislation regarding this practice. In fact, since last session, DHS has remained silent as to whether and when it will stop referring parents to the Child Support Administration for foster care cost recovery

SB 319’s language is *identical* to the language proposed by DHS in its 2025 bill. It directs the government not to file child support cases against parents with children in foster care except in limited circumstances where doing so is appropriate. This language comports with federal requirements⁹ while creating a policy whereby these cases are not the norm, but a rarity. Further, SB 319 (like the bill proposed by DHS last year) can apply retrospectively, giving the government the ability to terminate any existing child support orders previously entered against parents with children in state care.

SB 319 recognizes a fundamental truth that MLA sees every day: families involved in the child welfare system need support, not additional financial punishment. When governments force parents to pay child support to the state after their children have been removed, they are usually diverting precious resources from families who have none to spare. This practice is directly contrary to DHS’ mission of empowering and protecting vulnerable families and children. Saddling low-income parents with child support debt while their children are in foster care only moves families further away from stability and reunification. Given the federal government’s clear guidance, it is high time for Maryland to formally scale back its pursuit of these harmful and fiscally inefficient cost recovery child support cases. For these reasons, MLA urges a favorable report on SB 319. If you have any questions about this testimony, please contact Amee Vora, Advocacy Director for Family Law, at avora@mdlab.org.

⁸ *Id.*

⁹ *See* 42 U.S.C. § 671(a)(17) (requiring states to have procedures giving agencies the *option* to seek child support from parents with children in state custody in *appropriate* cases).

Sponsor Testimony SB 319.pdf

Uploaded by: C. Anthony Muse

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony

SB 319: Family Law - Child Support - Assignment of Rights

TO: Chair Smith, Vice-Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee,

I appreciate the opportunity to present testimony in support of Senate Bill 319 for your consideration, which allows the Department of Human Services to abandon the harmful practice of collecting state-owed child support payments from parents whose children are in foster care – except in rare circumstances where such collections would be appropriate. Similar to other legislation discussed before this committee, this bill's language was taken from DHS's Omnibus Child Support Reform Bill last year, giving it the tacit support of the Department and the family law advocates.

Many parents whose children are placed in foster care are already struggling. They often have trouble paying rent, buying food, finding transportation, or keeping a steady job. When a child is taken into foster care, life becomes even harder for these parents. Right now, Maryland allows the government to charge parents child support even when their children are in foster care. This money does **not** go to the child. Instead, the state keeps the money to pay itself back for foster care costs. This practice is called **cost recovery**.

Between 2020 and 2024, Maryland collected **over \$2.6 million** from parents whose children were in foster care. Many parents cannot afford these payments, so they end up with debt owed to the government. This makes it harder for them to get back on their feet and reunite with their children.

Research shows that charging parents for foster care hurts families. It pushes parents deeper into poverty and can delay children from returning home. Studies also show this practice *does not save money*. In some cases, Maryland spent more money trying to collect child support than it actually received.

In 2022, the federal government told states that child support should **not** be the default option for parents with children in foster care. Federal officials explained that charging struggling parents makes it harder for families to stabilize and reunite. Several states—such as California, Michigan, and Washington—have already stopped or limited this practice.

Senate Bill 319 would do the same in Maryland. The bill would stop the state from routinely filing child support cases against parents with children in foster care while allowing these cases to emerge only in rare situations

Families involved in the child welfare system need support, not punishment. Charging parents child support while their children are in foster care takes money away from housing, food, and transportation—things families need to reunite. For these reasons, I strongly urge a favorable report.

Testimony SB 319 - 2026 - Daniel Hatcher.pdf

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Position: FAV

TESTIMONY IN SUPPORT OF SB 319:**Family Law – Child Support – Assignment of Rights**

TO: Hon. William C. Smith, Jr., Chair, and members of the Senate Judicial Proceedings Committee

FROM: Daniel L. Hatcher, Professor of Law, University of Baltimore School of Law

DATE: February 3, 2026

RE: SB 319 – Support

Dear Chairman Smith and members of the Committee:

Thank you for the opportunity to present testimony in support of SB 319. I have been a law professor at the University of Baltimore since 2004, including teaching the Civil Advocacy Clinic where students represent low-income clients. My research has received national attention, focusing on improving programs and policies for vulnerable children and impoverished adults—including extensive research regarding the impact of child welfare and child support policies. Prior to UB, I was an assistant director of advocacy and also staff attorney at the Legal Aid Bureau, representing adults in all areas of poverty law and representing children in foster care. I was also a senior staff attorney for the Children’s Defense Fund.

Current child support enforcement practices against families in the child welfare system are harming the children, harming the parents, harming state finances, and harming all of us.

I have conducted [extensive research regarding the exact issues addressed in this bill](#).¹ When children are temporarily taken into foster care, the parents are desperately trying to overcome the many struggles of poverty to try to reunify with their children. Maryland agencies are supposed to assist with reunification efforts, but current child support practices are instead causing harm. The agencies are initiating orders for “child support” against the parents of foster children, but those payments are pursued to repay state costs rather than to help the children. When the unmanageable government-owed support payments are issued against already struggling parents, along with punitive enforcement actions, the parents’ reunification efforts can be derailed. As children are then held in foster care longer, there is more harm to the children and parents, more harm to communities, and greater state costs.

¹ Daniel L. Hatcher, *Collateral Children: Consequence and Illegality at the Intersection of Foster Care and Child Support*, 74 BROOKLYN LAW REV. 1333 (2009); See also, Daniel L. Hatcher, *Child Support Harming Children: Subordinating the Best Interests of Children to the Fiscal Interests of the State*, 42 WAKE FOREST L. REV. 1029 (2007); Daniel L. Hatcher, *THE POVERTY INDUSTRY: THE EXPLOITATION OF AMERICA’S MOST VULNERABLE CITIZENS* (NYU Press, 2016); Daniel L. Hatcher, *INJUSTICE, INC: HOW AMERICA’S JUSTICE SYSTEM COMMODOFIES CHILDREN AND THE POOR* (UC Press, 2023).

Child support collection practices against families in the foster care system are also causing financial harm to the state. In an example self-report, a California child support agency reviewed its own operations and concluded that [families and children are harmed by enforcing child support in foster care cases.](#)² The agency’s investigation also found that in addition to harm to children and families, the collection efforts are causing more financial harm to the state because the administrative costs of collections are greater than any resulting collections. The investigation found “[f]or every dollar expended, only 27 cents is collected,” and that cost-effectiveness analysis only considers the costs to the child support agencies, not the additional costs imposed by operations of courts and child welfare agencies. *In Maryland, the child support enforcement efforts against families in the foster care system are similarly causing harm—and the administrative costs are higher than resulting collections. Therefore, this bill should result in savings to state finances.*

SB 319 is consistent with federal law:

This bill is both consistent with federal law and is explicitly encouraged by the federal agencies that oversee state child support and child welfare programs. The U.S. Department of Health and Human Services issued a guidance in 2022 strongly encouraging states to stop the initiation of child support against families pulled into the foster care system—with the guidance explaining bluntly that “[i]t is almost never the case” that enforcing child support “is in the best interests of a child during the time the child is in title IV-E foster care.”³

The Maryland Department of Human Services—which oversees the Maryland child support agency—has supported this needed reform, planning to include it as part of agency sponsored reforms last year in SB 195/HB 218.

I therefore submit this testimony in support of SB 319 and respectfully request a favorable report.

² Orange County Department of Child Support Services, “Child Support and Foster Care,” <https://www.css.ocgov.com/sites/css/files/import/data/files/100280.pdf>.

³ See, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF THE ADMINISTRATION FOR CHILDREN & FAMILIES, CHILDREN’S BUREAU, Child Welfare Policy Manual, 8.4C, Question 5, June 8, 2022, <https://cwpm.acf.gov/citations/title-iv-e/title-iv-e-general-title-iv-e-requirements/title-iv-e-general-title-iv-e-1>.

SB0319_DHS_FAV.pdf

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Position: FAV



DEPARTMENT OF HUMAN SERVICES

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

February 3, 2026

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, Maryland 21401

RE: TESTIMONY ON SB0319 - FAMILY LAW - CHILD SUPPORT - ASSIGNMENT OF RIGHTS - POSITION: FAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable report for Senate Bill 319 (SB 319).

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 Social Services Administration (SSA) provides services for children in out-of-home care, and the Child Support Administration (CSA) implements Maryland's child support program. Both administrations coordinate to establish child support orders for parents of children in out-of-home care, which is the subject of SB 319.

SB 319 seeks to address the financial hardships that child support obligations can create for parents actively working towards reunification with their child in out-of-home care. Under current law, local departments of social services (LDSS) can seek the assignment of child support payments to recoup foster care maintenance costs for children placed in out-of-home care. SB 319 would permit the recouping of out-of-home care costs from parents only in instances where the LDSS finds it appropriate. SB 319 also authorizes the LDSS to seek the termination of existing support orders for out-of-home care cases. Finally, SB 319 directs the court to terminate an existing support order for a child in out-of-home care after an LDSS determines that the order is no longer appropriate, regardless if there has been a material change in circumstance, as otherwise required by law.

SB 319 would update Maryland law to be consistent with [current federal guidance](#)¹ that encourages state child welfare agencies to enact policies limiting the redirection of child support resources for out-of-home cases. In the spirit of this guidance, DHS is already working on a regulatory proposal to end automatic referrals of out-of-home care cases for child support. That proposal would establish criteria under which it would be appropriate for an LDSS - in limited circumstances - to seek support orders for out-of-home cases. DHS plans to publish this regulatory proposal in spring 2026.

Research [shows](#)² that a majority of parents who are required to pay child support while their children are experiencing foster care (out-of-home care) are overwhelmingly low-income. Limiting the creation of new orders and terminating existing inappropriate orders will better support these families. Parents will be able to focus their resources on moving towards reunification with their child(ren). Furthermore, child support debt can create financial struggles for parents after reunification. This debt makes it harder for families to climb out of poverty and risks further interactions with child protective services even after reunification.

In these cases, child support agencies typically spend more money pursuing parents for nonpayment than they recover in payments. In Federal Fiscal Year 2025, fewer than 30% of the 2,428 out-of-home cases referred to CSA resulted in child support payments. In 2019, a [cost-effectiveness study](#)³ by the Washington State Division of Child Support found that for every dollar spent seeking child support, the state collected only 39 cents. Efforts to collect child support from parents with children in out-of-home care create a burden on the agency and hamper efforts by parents to reunite with their children after placement in out-of-home care. The flexibility and discretion proposed in SB 319 thoughtfully supports families with children experiencing out-of-home care and appropriately prioritizes family reunification.

We appreciate the opportunity to offer favorable testimony to the Committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at justin.hayes1@maryland.gov.

In service,



Rafael López
Secretary

¹<https://cwpm.acf.gov/citations/title-iv-e/title-iv-e-general-title-iv-e-requirements/title-iv-e-general-title-iv-e-1>

²<https://www.cbpp.org/research/income-security/states-should-use-new-guidance-to-stop-charging-parents-for-foster-care>

³<https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/Cost%20Effectiveness%20-FC%20collections%20FINAL.pdf>

SB 319_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV



FEBRUARY 3, 2026

Maryland Must Prioritize Economic Stability and Reunification of Families

Position Statement Supporting Senate Bill 319

Given Before the Senate Judicial Proceedings Committee

Under current policies, when a child enters foster care, parents are often required to "assign" their rights to child support over to the state to offset the costs of foster care maintenance payments. While intended to recoup state costs, this practice often creates additional financial barriers for low-income families working toward reunification.

For many low-income families in Maryland, the loss of these payments—coupled with the potential accrual of child support debt to the state—undermines the very economic stability required to create a safe home environment for a child's return. Research consistently shows that when child support goes directly to the family rather than being intercepted by the government, it significantly improves the financial health of the household and strengthens parental engagement.¹

The Maryland Center on Economic Policy supports Senate Bill 319, which aims to modernize the state's approach to child support assignments for children in foster care. By allowing the Child Support Administration (CSA) greater discretion to discontinue support assignments and requiring courts to terminate certain orders when appropriate, this legislation prioritizes the long-term financial stability of families and the best interests of Maryland's children.

For many families, the primary reason a child enters foster care is related to poverty-driven neglect—lack of stable housing, utilities, or resources.² By placing a child support obligation on these parents while they are also trying to meet the requirements of a reunification plan, such as securing a larger apartment or attending specialized services, the state effectively hampers their ability to bring their children home.

SB 319 provides a critical path forward by:

- **Granting discretionary authority:** Authorizing the CSA to secure assignments only in "limited circumstances" where it is deemed appropriate, rather than as a default administrative hurdle.
- **Facilitating order termination:** Requiring courts to terminate existing support orders for children receiving foster care maintenance payments upon a filing by the CSA, reducing the bureaucratic burden on families during times of crisis.

- **Promoting economic justice:** Child support intercept policies disproportionately affect Black and Brown families, who are overrepresented in the foster care system due to systemic inequities. By reducing these financial extractions, Maryland can take a step toward narrowing the racial wealth gap³.

The administrative cost of collecting and processing these assignments often rivals or exceeds the actual revenue recovered for the state. More importantly, the social cost—including prolonged stays in foster care and increased housing instability for birth parents—far outweighs the fiscal recovery.

More importantly, the human cost is immeasurable. When we saddle low-income parents with state-owed debt, we:

- Delay the return of children to safe, permanent homes.
- Increase the likelihood of further state intervention due to financial instability.
- Strain the relationship between the family and the social services system, turning what should be a supportive agency into a debt collector.

SB 319 recognizes that the ultimate goal of the Department of Human Services is the safety and permanency of the child. By allowing the Child Support Administration to stop the clock on support orders for families in the foster care system, we are choosing to invest in the success of Maryland families rather than the collection of unrecoverable debt.

We should not be asking parents to choose between paying the state back for foster care and saving for the first month's rent on a home where their children can return.

By passing SB 319, Maryland would align its family law with best practices that recognize child support as a tool for child well-being, not a mechanism for state revenue. This bill ensures that more resources stay within the family unit, supporting the ultimate goal of the foster care system: safe, stable, and permanent homes for every child.

The Maryland Center on Economic Policy urges the committee to make a favorable report on SB 319.

¹ <https://www.cbpp.org/research/income-security/directing-child-support-payments-to-families-not-government-would-help>

² <https://www.casey.org/economic-supports-research/>

³ <https://www.irp.wisc.edu/wp/wp-content/uploads/2024/01/CSRA-22-24-T7-01042024.pdf>

CFUF - SB319 - FAV.pdf

Uploaded by: Zachary Alberts

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 319

Child Support - Assignment of Rights

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee
FROM: Zachary Alberts, Director of Advocacy

The Center for Urban Families (CFUF), a West Baltimore workforce and family-strengthening community-based organization, advocates for legislation that strengthens urban communities by helping fathers and families achieve stability and economic success.

We are here to strongly voice our support for Senate Bill 319, which would significantly curtail the practice of assigning child support orders to the parents of children who have been removed into foster care.

In July 2022, the Federal Administration for Children and Families recommended that state child welfare agencies cancel policies “where the default position is to refer parents to the child support agency” for foster care cost-recovery. Research has shown that for every \$100 in child support for these families, reunification is delayed by a year. This practice is bad for families, bad for children, and bad for the state.

Based on administrative data in 2023, we believe the state spent about \$660,000 to collect \$440,000, for a net loss of \$220,000. In other words, the state is losing money each time it attempts to carry out this harmful practice.

We have heard from the Department of Human Services that they are already working on COMAR regulations to effect the changes this bill intends, and would like to commend them for doing so. However, we believe it is imperative that these are changes so important for low-income Marylanders that they are made permanent through law.

I urge the Committee to give Senate Bill 319 a favorable report.

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SB 319 OPD Testimony - FWA.pdf

Uploaded by: Natasha Khalfani

Position: FWA



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HANNIBAL KEMERER
CHIEF OF STAFF
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 319 - Family Law- Child Support- Assignment of Rights

FROM: Maryland Office of the Public Defender

POSITION: Favorable with Amendments

DATE: 2/3/2026

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report with amendments for Senate Bill 319, the Family Law- Child Support- Assignment of Rights Bill**. Senate Bill 319 seeks to limit the Department of Social Services' (DSS) ability to pursue child support actions against parents whose children are placed in foster care.

This testimony is provided by OPD's Parental Defense Division (PDD) which represents parents from all 24 counties in Maryland who are involved in the various stages of Child In Need of Assistance (CINA) cases. Our multidisciplinary legal team, including dedicated attorneys, licensed social workers, and parent advocates with lived-experience in the DSS system, ensures that families receive high quality legal representation during their Child in Need of Assistance and Termination of Parental Rights cases.

The Problem

Currently, DSS has the discretion to file for child support against parents whose children are placed in foster care. In many of Maryland's jurisdictions, DSS exercises that discretion by filing for child support against impoverished parents. OPD represents approximately 95% of parents in CINA proceedings, which means that almost all parents who have a CINA case fall within federal poverty guidelines.

While many of our clients are employed when their children enter the foster system, maintaining that employment is often incompatible with court-ordered mandates. Required rehabilitative services, including parenting classes, psychotherapy, job readiness training, and supervised visitations, typically occur during standard business hours. This **forces parents into an impossible choice: maintain the income necessary to support their children or comply with the court orders necessary to regain custody of their children**. Mandating child support for foster care placements that parents often fought against, and that arise from their inability to

meet financial needs, is both illogical and counterproductive, imposing a substantial obstacle to family reunification.

In Maryland, the most recent statistics show that 63.2% of indicated child maltreatment findings¹ were due to neglect.² These cases are almost always driven, directly or indirectly, by poverty. Poverty directly impacts parents' abilities to provide adequate housing, utilities, food, supervision, and medical care. Indirectly, poverty impacts issues of education,³ substance abuse and mental health issues that are often correlated to the trauma experienced by people living in under-resourced, high crime areas as well as the intergenerational cycles of harm and trauma that could be present when families have endured generations of poverty.

Economic instability is almost always one of the barriers parents have to overcome in order to reunify with their children. Parents who are without the resources to adequately provide for their children are not in a position to pay child support. In addition to fulfilling whatever court order services they are required to complete, parents are often tasked with securing income and housing sufficient enough to support their children. DSS rarely assists in this area.⁴ When parents are then required to pay child support in addition to these other requirements, it delays reunification and puts families in even more dire economic circumstances than when they started. Then, when parents cannot pay their child support, they go into arrearages which can eventually total in the thousands of dollars.

The Solution

Maryland should follow the recommendation of the federal government and strictly limit DSS' ability to seek child support. While the federal government has never required States to pursue child support, they did grant states the discretion to do so. However, on July 29, 2022, the federal government issued a guidance letter discouraging states from this practice when it would "disrupt the reunification process," acknowledging this practice, "can negatively impact a family that is trying to develop and maintain familial and economic stability to reunify with their child."⁵ The letter goes on to say "[i]t is not in the best interest of any family to be pursued

¹In Maryland, an "indicated" finding means the local department determined there is credible evidence that abuse or neglect occurred.

²<https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/maryland>

³ For example, issues of truancy are often due to housing insecurity, lack of transportation, or lack of clean clothing due to an inability for a parent to wash clothes.

⁴ The only economic support that DSS provides in most cases are at best, in the form of what are called "flex funds." These funds are very limited, and accessible only after a substantial effort to cut through bureaucracy, if at all. DSS's only housing support is to cover either first month rent, or security deposit. Any financial assistance to families is helpful but it almost never solves the underlying financial concern.

⁵ The federal guidance letter is attached to this testimony and can be accessed at:

https://acf.gov/sites/default/files/documents/cb/letter_regarding_assignment_rights_child_support_for_children_foster_care.pdf

for child support when they have already been whipsawed by economic insecurity, family instability, and separation.”

The letter further explains that *states actually lose money* when they attempt to collect child support from CINA families **proving that this practice is wasteful**. Given the fact that the State spends more money prosecuting these cases than collecting money; the natural conclusion is that it is meant to simply punish parents.

Several states have followed the federal government’s guidance. Colorado, California, Montana, Washington, Michigan, Georgia, New York and New Jersey have enacted laws to limit the government from pursuing child support. Some states have also enacted policy to cancel or reduce arrearages from previous orders.⁶

Amendments

OPD is in agreement with SB 319 but requests that the bill be amended to contain stronger language in limiting the Department’s ability to pursue child support, as well as providing specific language to clarify under what circumstances pursuing child support would be appropriate. DSS is already in a position to use its discretion, and this discretion has resulted in the filing for child support contrary to the best interests of children and families. **It is important for the statute to give very clear guidance on the limits to child support filings.** Language that clearly states that “the Department of Social Services shall not file for the assignment of child support against a parent who is living in poverty pursuant to the federal poverty guidelines,” and “the Department of Social Services shall not file for the assignment of child support in cases in which the burden of child support would disrupt the reunification process.” Such language would establish clear limits on when it would be appropriate for DSS to file or not seek child support.

Additionally, the statute should state that when child support is pursued, it should be heard as part of the CINA case. Currently, child support hearings are heard as a separate matter from the CINA proceeding. This means that in most jurisdictions, the matter is an additional hearing under a different case number, heard by a different judge or magistrate than the one presiding over the CINA case. Because it is not part of the CINA case, the parent is not entitled to be represented by counsel as the parent is in a CINA case. Having the CINA and child support cases heard in the same proceedings promotes fairness and judicial efficiency. It allows the court, which is already familiar with the family, the basis for the child being found to be a CINA in the first place, and the parents’ economic situation, to determine whether it is in the best interest of the child for the parent to pay child support. Additionally, in a CINA case children are

⁶ California, Ohio, Connecticut, the District of Columbia, Illinois, Minnesota, Washington, Oregon, and Wisconsin.

assigned an attorney to advocate for them. If the case is filed separately, the child has no voice in the proceedings.

The filing of child support against parents whose children are in foster care is not in the best interest of children because it creates an additional hurdle to reunification with their parents. It is a practice that is harmful to Maryland families and burdens an already beleaguered court system.

For these reasons we urge the Committee to issue a favorable report with amendments for Senate Bill 0319 and remove this barrier to family preservation.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Nena C. Villamar, [nena.villamar@maryland.gov](mailto:nenavillamar@maryland.gov), Hayley Lichterman, [hayley.lichterman@maryland.gov](mailto:hayleylichterman@maryland.gov), and Natasha Khalfani, natasha.khalfani@maryland.gov.

The Office of the Public Defender recommends the following language as amendments to SB319. The amendments are indicated in red ink and entirely in capital letters for enhanced clarity.

FLA 5-525.4. 6

**(A) ONLY IN LIMITED CIRCUMSTANCES, WHERE THE ADMINISTRATION
7 FINDS IT APPROPRIATE, MAY ACTION BE TAKEN TO SECURE AN
ASSIGNMENT TO THE
8 STATE OF ANY RIGHTS TO SUPPORT ON BEHALF OF A CHILD RECEIVING
FOSTER
9 CARE MAINTENANCE PAYMENTS UNDER THIS PART III OF THIS SUBTITLE.
LIMITED CIRCUMSTANCES DOES NOT INCLUDE CASES WHERE A SUPPORT
ORDER WOULD NEGATIVELY IMPACT FAMILY REUNIFICATION OR WHERE
THE PARENT IS INDIGENT.**

**10 (B) THE ADMINISTRATION MAY TAKE ACTION, WHEN APPROPRIATE, TO
11 DISCONTINUE AN ASSIGNMENT OF RIGHTS TO SUPPORT AND TERMINATE
EXISTING
12 SUPPORT ORDERS FOR A CHILD RECEIVING FOSTER CARE MAINTENANCE
13 PAYMENTS. 14 (C) THE SECRETARY OF HUMAN SERVICES SHALL ADOPT
RULES AND 15 REGULATIONS TO IMPLEMENT THIS SECTION.**

Courts and Judicial Proceedings 3-803 - Jurisdiction of Court

(a) In addition to the jurisdiction specified in Subtitle 8A of this title, the court has exclusive original jurisdiction over:

- (1) Voluntary placement hearings;
- (2) Proceedings arising from a petition alleging that a child is a CINA;
- (3) Proceedings arising under the Interstate Compact on the Placement of Children;
- (4) SUPPORT OF A CHILD WHOM THE COURT FINDS TO BE A CINA**
- ~~(4)~~ (5) Proceedings to terminate parental rights after a CINA proceeding;
- ~~(5)~~ (6) Guardianship review proceedings after a TPR proceeding; and
- ~~(6)~~ (7) Adoption proceedings, if any, after a TPR proceeding.

(b) (1) The court has concurrent jurisdiction over:
(i) Custody, visitation, **support**, and paternity of a child whom the court finds to be a CINA; and
(ii) Custody of a child alleged to be a CINA under the circumstances described in § 3-819(d) of this subtitle.

§ 3-822. Identity and addresses of parents; findings used as evidence

(a)(1) At each CINA hearing, the court shall inquire into, and make findings of fact on the record as to, the identity and current address of each parent of each child before the court.

(2) In carrying out paragraph (1) of this subsection, the court shall:

(i) Inform all parties present of their continuing obligation to assist the court in identifying and locating each parent of each child;

(ii) Inform the parents present of their continuing obligation to keep the clerk of the court apprised of their current address;

(iii) Inform the parents present of available means to establish paternity, if not yet established; and

(iv) If appropriate, refer the parents to the appropriate support enforcement agency to establish paternity and support. **SUPPORT MAY NOT BE REQUESTED IF THE PARENT IS INDIGENT OR IF A SUPPORT ORDER WOULD INTERFERE WITH REUNIFICATION**

(b) Each parent of a child who is the subject of a CINA proceeding shall notify the court and the local department of all changes in the parent's address.

(c) The clerk of the court shall keep a listing of every address provided by a parent of a child who is the subject of a CINA proceeding.

(d) On request of a local department, the clerk's office shall disclose to the local department all addresses listed by a parent of a CINA within the preceding 270 days.

(e) The court may:

(1) Order a parent or putative parent to:

(i) Apply for child support services with the appropriate support enforcement agency; and

(ii) Cooperate with the appropriate support enforcement agency to establish paternity and child support; and

(2) Make a finding of paternity in accordance with Title 5, Subtitle 10, Part VI of the Family Law Article.

(f) Any court may consider evidence taken and findings made on the record in a CINA hearing and in a paternity, custody, child support, or guardianship proceeding regarding that child or a sibling of a child.



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington, D.C. 20201 | www.acf.hhs.gov

July 29, 2022

Dear Colleague:

The Administration for Children and Families' (ACF) Children's Bureau (CB) and Office of Child Support Enforcement (OCSE) value collaborative efforts that stabilize and reunify the children and families we serve. This letter highlights a new question and answer (Q&A) in the [Child Welfare Policy Manual](#) (CWPM) regarding when it is appropriate for a title IV-E agency to secure an assignment of the rights to child support for a child receiving title IV-E foster care maintenance payments (FCMPs) in accordance with section 471(a)(17) of the Social Security Act. ACF encourages child welfare agencies to implement across-the-board policies that require an assignment of the rights to child support for children who receive title IV-E FCMPs only in very rare circumstances. [See CWPM, Section 8.4C, Question #5.](#)

OCSE relies on the IV-E agency to refer cases as appropriate. ACF wants to ensure that only cases that have been thoroughly reviewed, and will not disrupt the reunification process, are referred to the state IV-D agency for the establishment of paternity or a support order. This approach allows the IV-D agency to continue their current practices of processing appropriate cases, and will result in both state agencies being less intrusive in the lives of the families we serve.

Many parent(s) of children who receive FCMP are living in poverty and are too often required to pay child support to the state to offset the cost of their child placed in foster care. This can negatively impact a family that is trying to develop and maintain familial and economic stability to reunify with their child. It is not in the best interest of any family to be pursued for child support when they have already been whipsawed by economic insecurity, family instability, and separation.

In order to be reunified with their child, parent(s) are typically required to participate in a variety of agency-directed activities, efforts, and services. This may include regular or supervised family time, therapy, parenting courses, and treatment for substance use disorder. Reducing a parent's income impedes their ability to engage in reunification efforts, potentially extending the time the child spends in foster care. For example, a study of Wisconsin data suggests that "ordering mothers to pay support to offset the costs of foster care delays reunification... a \$100 increase in the monthly child support order amount is predicted to increase the months to reunification by 6.6 months (evaluated at the median time-to-reunification value, which is 11 months). Estimates of time to permanency (including reunification, adoption, and guardianship) yield very similar results."¹

In addition to impacting economically vulnerable families, securing an assignment of the rights to child support is generally deemed not to be cost effective. Analyses have shown that efforts to collect child support are very low yield, particularly in comparison to the costs of administering

¹ Cancian, M., Cook, S., Seki, M., & Witmer, L. (2016). Making parents pay: The unintended consequences of charging parents for foster care. *Children and Youth Services Review*, 72, 100-110.

child support for children in title IV-E foster care agencies. While the exact cost can be difficult to calculate, a study conducted by the Orange County Department of Child Support Services reflects that in Federal Fiscal Year (FFY) 2018, California collected \$0.41 for each dollar expended², while an analysis conducted by the Washington State Department of Social and Health Services Division of Child Support reflects that in FFY 2018, Washington State collected \$0.39 for each dollar expended.³ All of these findings suggest that creating further parental economic instability, by seeking child support, is inefficient and detrimental to children and families who are working to reunify.

ACF encourages child welfare agencies to make this important change in support of children and families. However, we are also aware that policy changes can be challenging to implement. For example, some child welfare agencies have data systems that automatically refer parents to the child support agency when a child enters care. We ask that child welfare agencies make the necessary amendments to their systems to effectively implement a policy where the default position is not to refer parents to the child support agency. Agencies may be able to claim title IV-E administrative funds to make such changes in accordance with an approved cost allocation plan. The CB and OCSE program offices will be supportive, and invite agencies to contact and work with their respective CB regional offices if they need support to implement this change.

ACF takes every opportunity to reinforce our commitment to seeking equitable outcomes for each family we serve, especially those who have been historically underserved. We want to support parents by eliminating the stress that accompanies administrative and court appearances – particularly when it leads to additional financial obligations. In order to achieve that goal and to advance equitable outcomes for children and families, we are committed to strengthening our partnerships with state, tribal, and local governments.

Together, in partnership with you, we will continue to work hard to find innovative ways to support parents and to remove barriers to reunifying families as quickly and safely as possible.

In Partnership,

/s/
Aysha E. Schomburg
Associate Commissioner, CB

/s/
Tangler Gray
Commissioner, OCSE

² Orange County Department of Child Support Services. (Second Edition, July 2020). Child Support and Foster Care Special Study. <https://www.css.ocgov.com/sites/css/files/import/data/files/116568.pdf>

³ Washington State Department of Social and Health Services, Economic Services Administration, Division of Child Support. (2019). Washington's Cost Effectiveness for Foster Care Child Support Cases. <https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/Cost%20Effectiveness%20-FC%20collections%20FINAL.pdf>
Skophammer, Trish. (2017). Child Support Collections to Offset Out of Home Placement Costs: A Study of Cost Effectiveness. Dissertation for the Graduate School of Hamline University. https://digitalcommons.hamline.edu/hsb_all/16

sb319.pdf

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Position: UNF

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CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 319
Family Law – Child Support – Assignment of Rights
DATE: January 21, 2026
(2/3)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 319, as drafted.

The Judiciary supports efforts to limit the automatic collection of child support for the parents of children in foster care and notes that this support is consistent with advice from the federal Administration for Children and Youth which emphasize that only those cases that “have been thoroughly reviewed, and will not disrupt the reunification process, are referred to the state [child support] agency for the establishment of paternity or a support order.”

https://acf.gov/sites/default/files/documents/cb/letter_regarding_assignment_rights_child_support_for_children_foster_care.pdf (1.19.26).

However, as written, this bill raises several questions. First, the bill does not provide any direction or guidance on the “limited circumstances” that might be appropriate for assignment of child support for a child in foster care or when it is “appropriate” to terminate a support order. Proposed Family Law Article (FL) § 5–525.4(a) & (b). A framework for what constitutes such circumstances would assist with consistent

implementation, support the child's permanency, and facilitate the required development of regulations.

Further, the bill would require the court to terminate child support for a previously established or assigned child support order for a child receiving a foster care maintenance payment on the filing of a request for termination by certain State agencies. The court thus cannot exercise any discretion as to whether the agency action is consistent with its regulations or in the best interest of the child or the child's permanency. Additionally, only an agency can file such a request – the obligor (the person who is required to pay child support under a court order) is not permitted to seek termination of support or to compel the agency to do so. Allowing an obligor to raise termination would likely encourage compliance with agency regulations. Proposed FL § 12–104.2.

Removing the limitation on the court's discretion and permitting the obligor to seek termination would assist with consistent application and support the child's permanency.

cc. Hon. C. Anthony Muse
Judicial Council
Legislative Committee
Kelley O'Connor