



House Bill 412

Child Support – Suspension of Driver’s Licenses

In the House Judiciary Committee

Hearing on February 12, 2026

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written testimony on HB 412 at the request of its sponsor, Delegate Karen Simpson.

MLA asks that the Committee report **favorably** on HB 412, which makes clear that driver’s license suspension should only be used as a child support enforcement mechanism when the parent *has the ability to pay but is willfully choosing not to pay*.

Maryland Legal Aid is a private, nonprofit law firm that provides free legal services to thousands of low-income Maryland residents in civil matters. Maryland Legal Aid represents both custodial and non-custodial parents in family law cases. Through this work, we have found that, as compared to many other states, Maryland overuses driver’s license suspensions as a child support enforcement tool. The overuse and misuse of driver’s license suspensions has led to devastating negative consequences for Maryland families, including the children whom the child support system is intended to help.

We applaud and thank the Maryland General Assembly for passing much needed reforms in the 2025 legislative session to address this problem.¹ However, systemic issues persist, and parents continue to experience difficulty when they go to their local child support offices to request reinstatement of their driver’s license because they are exempt from suspension under Maryland law. HB 412 offers solutions to those continuing problems by clearly defining when driver’s license suspension is or is not appropriate, using factors that are child-centered and consider the best interest of the child. This bill complements the 2025 legislation passed by the Maryland General Assembly and will help to ensure that it is properly implemented.

Driver’s License Suspension is a Barrier to Employment.

Courts have consistently held that due process is paramount before taking away a driver’s license, as a driver’s license is a substantial right that is *essential to the pursuit of a livelihood*.² Further, studies and statistics continuously show that driver’s license suspension is a proven barrier to employment and counterproductive to increasing debt collections.³ Due to these consistent

¹ SB 0139 (cross-filed with HB 0681) passed out of the Judicial Proceedings Committee in 2025.

² *Bell v. Burson*, 402 U.S. 535 (1971); *Plumer v. State of Md.*, 915 F.2d 927, 932 (4th Cir. 1990).

³ See e.g. Colleen Chien et. al., “Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver’s License.” *Ariz. L. Rev.*, 64, 675 (2022), available at

findings, reforms are underway in at least half of all states to curtail the use of driver’s license suspensions for debt collection.⁴

This logic, as applied to child support debt, is simple: when parents lose the ability to drive, they cannot find or maintain steady work; if parents cannot work, then they cannot pay child support. In fact, license suspension directly interferes with the child support enforcement program’s most effective collection tools: wage withholding⁵ and tax refund garnishments. Both of these enforcement mechanisms require parents to have earned income from lawful, steady employment—to which driver’s license suspension is an impediment. Beyond creating a barrier to employment, license suspensions also prevent parents from being involved in or contributing to their children’s lives. License suspensions often mean children lose their rides to school, doctor’s appointments, activities, or visits with their parents.

HB 412 Tempers the Harms of Automatic Suspension.

Because of the wide-ranging potential harms of driver’s license suspension, some states use driver’s license suspensions only if other child support enforcement methods have not worked or if the noncustodial parent is in contempt of court.⁶ And, some states opt to use *manual procedures* for reviewing cases where license suspension might be appropriate, as opposed to relying on *automated processes*. This allows program officials to exercise the cautious discretion necessary to ensure that licenses are suspended only in limited and *appropriate* circumstances,⁷ namely when the parent has the ability to pay but is willfully noncompliant.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4065920 ; Maureen R. Waller, et. al., “Predation and the Disproportionate Risk of Driver’s License Suspensions in Economically and Racially Marginalized Communities.” *Socius: Sociological Research for a Dynamic World*, 10 (2024), available at <https://doi.org/10.1177/23780231241234632>.

⁴ “Road to Reform: State Approaches to Addressing Debt-Based Driver’s License Suspensions.” National Conference of State Legislators, available at <https://www.ncsl.org/civil-and-criminal-justice/road-to-reform-state-approaches-to-addressing-debt-based-drivers-license-suspensions>

⁵ Nationally, 74% of child support collected in FY2024 was by income withholding from an employee’s paycheck. See <https://acf.gov/sites/default/files/documents/ocse/2024-infographic-national.pdf>

⁶ Congressional Research Report on Child Support Enforcement and Driver’s License Suspension Policies, available at https://www.congress.gov/crs_external_products/R/PDF/R41762/R41762.5.pdf (“The use of these driver’s license suspension procedures is not mandated in every case, but they must be available at a state’s discretion. Because driver’s license suspension procedures follow state law, practices vary across the country. States have a great deal of flexibility in implementing driver’s license suspension programs.”).

⁷ Rebekah Selekmán & Amy Johnson, “An Examination of the Use and Effectiveness of Child Support Enforcement Tools in Six States,” Mathematica Policy Research Reports, available at https://aspe.hhs.gov/sites/default/files/private/pdf/262936/Child_Support_Enforcement_Tool_Issue_Brief.pdf

However, Maryland still uses an *automated system* to suspend parents whom the computer identifies as owing 120 days or more of arrears. The automated system does not account for the enumerated exemptions in Md. Code Family Law § 10-119. As a result, many parents who should be exempt from suspension under state law, for example, because they need their driver's license for employment or because they are unable to work due to a disability, are still selected by the automated system to be referred to the MVA for suspension. This bill seeks to *correct that loophole* and ensure that those parents for whom the Maryland legislature has decided suspension is *not appropriate* are no longer wrongfully suspended.

Federal law, which Maryland is required to follow, cautions states only to use driver's license suspensions *in appropriate cases*, to increase the effectiveness of the child support program, which is meant to increase financial stability for children and families.⁸ In accordance with federal law, HB 412 defines when driver's license suspension is or is not appropriate. Notably, HB 412 makes clear that if the child now resides primarily with the former non-custodial parent (due to a change in custody), then driver's license suspension is not appropriate to use against that former non-custodial parent who now has custody of their child.

The following Maryland Legal Aid clients are just a few examples of such former non-custodial parents who now have custody of their children and have suffered the harmful consequences of improper and inappropriate driver's license suspension:

- Mr. M was granted sole custody of his son by the Circuit Court. Mr. M provided a copy of the new custody order to the Child Support Agency. Yet, the Agency **still suspended his license**. Mr. M only discovered his license was suspended when he was pulled over for a minor traffic infraction in Virginia. Due to the suspended license, Mr. M's car was impounded, and he was stranded outside in the pouring rain with his family. Ultimately, Mr. M had to pay to get his car out of impound, and he was charged with driving on a suspended license.
- Mr. R 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 the Child Support Agency, 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. As a result, Mr. R received a criminal citation for driving on a suspended license.
- Mr. P was also granted custody of his son in the Circuit Court. The court terminated his obligation to pay child support, in light of the change in custody. Mr. P provided copies of both court orders to the Child Support Agency, but **his driver's license was still suspended**. Mr. P drives trucks for a living, and he had no idea that his license had been

⁸ 42 U.S.C. § 666(a)(16).

suspended until he was out of the state, making a work delivery to a military base. The military base ran a routine background check, which revealed that his license had been suspended. As a result of the license suspension, **Mr. P was terminated from his job** with that trucking company.

- Mr. G’s children began residing with him full time when their mother moved out of state. Mr. G filed motions to modify both custody and child support, and he informed the Child Support Agency of the change in custody and the pending court proceedings. Nevertheless, Mr. G received a letter informing him that **his license would be suspended**. Mr. G makes his living by driving for Uber, and he provided proof to the Agency that the suspension would cause him to lose his job, but the Agency refused to lift the suspension unless he made a large lump sum payment.

Maryland Rates of Driver License Suspensions as Compared to Other States

In 2023, Maryland suspended **20,512** driver’s licenses for child support arrears. Maryland far exceeds many states in driver’s license suspensions, for example:⁹

Oklahoma: 0 suspensions in 2025
New Jersey: 3 suspensions in 2023
Vermont: 46 suspensions in 2025
Maine: 1,146 suspensions in 2024
California: 1,830 suspensions in 2025
Rhode Island: 1,913 suspensions in 2025
Mississippi: 4,054 suspensions in 2025
Wisconsin: 3,733 suspensions in 2024
Arkansas: 5,830 suspensions in 2023
Minnesota: 7,255 suspensions in 2024¹⁰

Many states also have much stricter procedural protections than Maryland and require notice to be served by personal service and a court hearing before suspending a parent’s driver’s license for child support arrears.¹¹

⁹ MLA reviewed statistics available on state websites and contacted state child support agencies, motor vehicle administrations, and PIA contacts. Not all states responded or had the information publicly available online, so this list is not exhaustive but includes the most recent, readily available statistics.

¹⁰ To correct what it identified as an over-suspension problem, Minnesota’s child support agency recently implemented a pilot program requiring individual case worker review prior to license suspension. The Minnesota program is highlighted on the Federal Office of Child Support Enforcement’s website. *See* <https://acf.gov/css/newsletter/ocsenewsletter/october-2024-child-support-report#PJAC>

¹¹ *See., e.g., Connecticut § 46b-220* (requiring personal service, a hearing, and a judicial finding that the non-compliance is willful and that the parent has sufficient financial resources to comply with the order prior to suspension); *Maine § 19-2361* (requiring personal service and a hearing to determine ability to pay prior to

MLA urges a favorable report on HB 412 to protect the families that we serve, like that of Mr. M, Mr. R, Mr. P, and Mr. G, from systemic harm resulting from an automated system implemented by a state agency charged with helping those very families.

If you have any questions about this testimony, please contact Stacy Bensky, Senior Attorney, at sbensky@mdlaboratory.org or Ameer Vora, Advocacy Director for Family Law, at avora@mdlaboratory.org.

suspension); West Virginia § 48-15-203 (requiring that other statutory enforcement methods to collect the support arrearage have been exhausted prior to suspension).