

---

**To:** Members of The House Judiciary Committee

**From:** Family Law Section Council (FLSC)

**Date:** February 3, 2026

**Subject:** House Bill 142  
Child Support—Earnings Withholdings Limits

**Position:** UNFAVORABLE

---

The Maryland State Bar Association (MSBA) FLSC **opposes House Bill 142.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family and Juvenile 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 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.

The FLSC believes that adoption of this bill will undermine and conflict with Maryland’s well-established statutory child support scheme, which is premised on a judicial determination of child support through the application of the Maryland Child Support Guidelines. Under that scheme, the amount of support is based on a determination of “actual income” under Md. Code Ann., Fam. Law (“FL”) 12-201(b), while House Bill 142, meanwhile, would automatically limit the total garnishment of a child support order on the basis of “disposable earnings,” a different and more narrow standard lifted from the comparable federal law, namely, the Consumer Credit Protection Act (“CCPA”), found at 15 U.S. 1601 *et seq.*

“Actual income” under FL § 12-201 is a broadly defined term, and includes salaries, wages, commissions, bonuses, dividend income, interest income, trust income, annuity income, Social Security benefits, workers’ compensation benefits, unemployment insurance benefits, disability insurance benefits, third party payments for the benefit of a minor child, alimony or other maintenance, and expense reimbursements or in-kind payments received in the course of employment that reduce the parent’s living expenses. *Id.* Beyond these “mandatory”

considerations, the statute also provides that “[b]ased on the circumstances of the case,” actual income may also include severance pay, capital gains, gifts, or prizes.”

Meanwhile, the thresholds for garnishment under the CCPA are based instead on “disposable earnings,” itself a subset of the broader term “earnings.” “Earnings” is defined as “compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.” 15 U.S.C. § 1672(a).<sup>1</sup> Meanwhile, “disposable earnings” is a subset of this already narrow term and is defined as “that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.” 15 U.S.C. § 1672(b).

Both “earnings” and “disposable earnings” are significantly more narrow in scope than the “actual income” that Maryland courts must use to calculate child support in the first place. The CCPA actually accounts for this conflict, since it expressly sets a higher garnishment rate for child and spousal support compared to all other garnishment orders. Under the CCPA, garnishment is ordinarily capped at 25% of an individual’s “disposable earnings” per week. 15 U.S.C. § 1673 (a). For child and spousal support orders, however, that threshold is increased to 50-65% of an individual’s “disposable earnings, depending on whether the individual is responsible for the support of another spouse or dependent child. 15 U.S.C. § 1673(b)(2).

House Bill 142 conflicts with both Maryland and Federal law. It would not only undermine the central and well-established role of the Judiciary to determine and award an appropriate amount of child support (rather than a downstream, non-adjudicative body like the Child Support Administration), but also risk bringing Maryland into conflict with federal child support laws and threaten our State’s eligibility for associated federal funding.<sup>2</sup> This latter concern is supported by the Fiscal and Policy Note for the current bill, which suggests that “[b]y limiting the amounts that may be garnished from certain obligors, there is likely to be an overall reduction in child support collections, potentially impacting achievement of federal performance goals and corresponding incentive payments.” Maryland Fiscal Note, 2026 Sess. H.B. 142 at 4.

---

<sup>1</sup> “Earnings” is a defined term under FL § 10-101(c), reflecting the federal definition: “‘Earnings’ includes: (1) any form of periodic payment to an individual, including: (i) an annuity; (ii) a pension; (iii) Social Security payments; (iv) workers’ compensation payments; and (v) unemployment insurance benefits; and (2) any commissions or fees paid in connection with the obligor’s employment.”

<sup>2</sup> *In the Matter of the Marriage of Houser*, 490 Md. 597, 598 (2025), the Maryland Supreme Court recently explained that “[s]ince 1990, in order to comply with federal law, the use of child support guidelines in Maryland has been mandatory.” The Court quoted to *Damon v. Robles*, 245 Md. App. 233, 239 (2020), for the following proposition: “‘To maintain eligibility for federal funding relative to paternity and child support, Title IV-D of the Social Security Act, 42 U.S.C. 651, *et seq.*, obligates States to have certain laws in effect.’”). *Id.* at 598 n.3.



520 West Fayette St., Baltimore, MD 21201  
410-685-7878 | 800-492-1964  
fax 410-685-1016 | tdd 410-539-3186  
msba.org

Additionally, the Maryland child support guidelines already address the issues applicable to lower income parents through the “self-support reserve,” which is “the adjustment to a basic child support obligation that a child support obligor maintains a minimum amount of monthly income, after payment of child support, federal and state income taxes, and Federal Insurance Contribution Act taxes, of at least 110% of the 2019 federal poverty level for an individual.” Md. Code Ann., Fam. Law § 12-201(n). Unlike the proposed cap at the garnishment stage, which would be based on “disposable earnings,” the “self-support reserve” is based on the same “actual income” used to calculate the child support obligation, as determined by the Judge in an adversarial proceeding. The FLSC notes that the “self-support reserve” has been periodically amended with the intent of remedying the same issues as the current bill, most recently in 2020. *See Maryland Fiscal Note, 2020 Sess. S.B. 847.* To the extent that additional relief for low-income child support obligors is being contemplated, the FLSC believes it would be better achieved through remedies like the self-support reserve, which are applied at the time that the child support obligation is *established* or *modified* within the context of an adjudicative proceeding.

For the reasons above, the MSBA FLSC **opposes House Bill 142 and urges an unfavorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or [msith@lawannapolis.com](mailto:msith@lawannapolis.com), or Brendan Madden at 301-383-1525 or [bmadden@rghlawyers.com](mailto:bmadden@rghlawyers.com).