

**Testimony before the House Judiciary Committee on  
HB 234—Incarcerated Obligors (Del. Henson)**

January 30, 2020

Good afternoon, Chairman Clippenger, Vice Chairman Atterbeary, and distinguished members of the Judiciary Committee.

My name is Vicki Turetsky. I am currently an independent consultant and reside in Albany, New York. Between 2009 and 2017, I served as the federal commissioner for the Office of Child Support Enforcement within the U.S. Department of Health and Human Services in Washington, DC. In that capacity, I was responsible for establishing federal policies applicable to state child support programs funded under title IV-D of the Social Security Act, including the Maryland child support program.

My testimony is offered in support of HB 234—Incarcerated Obligors, sponsored by Delegate Henson. HB 234 repeals and reenacts Article-Family Law, Section 12-104.1, Annotated Code of Maryland. The existing statute provides for review and adjustment of the child support orders of noncustodial parents who are incarcerated for 18 months or more, and permits the Child Support Administration to initiate an adjustment with notice to custodial parents. HB 234 would update the timelines in Section 12.104.1 to align with recent changes in federal rules.

In 2016, my office issued a set of federal rules called the *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*.<sup>1</sup> One of these rules requires state child support programs to notify incarcerated parents of their right to seek a review and adjustment of their child support orders when they will be incarcerated for more than 180 days, rather than the 18 months provided for in Section 12.104.1. Under the federal rule, states may proactively initiate a review and adjustment of the support orders without the need for a notice or specific request, as Section 12.104.1 authorizes. Alternatively, states must provide notice to both parents within 15 business days of when the child support agency learns that a noncustodial parent’s incarceration will last for more than 180 days.<sup>2</sup>

In drafting the federal rules, we drew on research and state best practices to address the problem of uncollectible child support debt owed by noncustodial parents with a history of incarceration. Noncustodial parents can’t work or pay child support when they are in prison, and find it harder to obtain a job when they are released. When child support orders are not adjusted quickly, large child support debts accrue and create an additional barrier to employment and child support payment upon release.

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<sup>1</sup> 81 Fed. Reg. 93492 (Dec. 20, 2016), issued to state child support agencies through OCSE-AT-16-06 (Dec. 20, 2016), and available at:

<https://www.acf.hhs.gov/css/resource/final-rule-flexibility-efficiency-and-modernization-in-child-support-enforcement-programs>.

<sup>2</sup> 45 C.F.R. § 303.8(b)(2), (b)(7)(ii) and (c).