
To: Members of The House Judiciary Committee

From: MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL – Ilene Glickman, Legislative Committee Chair and Daniel Renart, Legislative Committee Chair

Date: January 30, 2020

Subject: **HB 234** – Child Support – Suspension of Payments and Arrears for Incarcerated Obligor - Modifications

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) Family and Juvenile Law Section **supports House Bill 234 – Child Support – Suspension of Payments and Arrears for Incarcerated Obligor.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC 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 and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC 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 1,200 attorney members.

This bill alters statutory provisions that determine when the child support payments of an incarcerated obligor may not be considered past due and accrue arrearages. The bill is not anticipated to materially affect special fund revenues, as discussed below. The bill may help protect federal funding by ensuring that Maryland law conforms to newly enacted federal requirements.

The current law allows for the suspension of child support and arrears while an individual is incarcerated, provided that other factors are met; however, the time period of incarceration is currently 18 consecutive months. Federal law requires states, as a condition of receiving federal funding related to child support services, to review and adjust, as appropriate, child support orders when either parent has experienced a substantial change in circumstances. Recent federal regulations require a state, after learning that an obligor will be incarcerated for more



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than 180 calendar days, to either send a notice to both parents of the right to request a review and adjustment or automatically initiate a review and adjustment with notice to the parents. HB 234 aligns the applicable timeframe in Maryland to that of the Federal law.

For the reasons stated above, the MSBA **supports HB 234 and urges a favorable committee report.**

Should you have any questions, please contact Richard Montgomery at the Legislative Office for the Maryland State Bar Association.