

DATE: January 30, 2020

BILL NUMBER: HB 234 **COMMITTEE:** Judiciary

BILL TITLE: Child Support – Suspension of Arrears for Incarcerated Obligor

DHR POSITION: Support

PRESENTED BY: Kevin P. Guistwite, Executive Director Child Support Administration,
Department of Human Services

Good afternoon Chairman Clippinger, Vice Chair Atterbeary, and members of the Committee. I am Kevin Guistwite, Executive Director for the Child Support Administration (CSA) within the Maryland Department of Human Services (DHS). Thank you for the opportunity to testify in support of HB 234.

HB 234 is needed to bring Maryland into compliance with Title 45 of the Code of Federal Regulations (CFR) § 303.8. This provision was modified by the Federal Flexibility, Efficiency, and Modernization in Child Support Programs (FEM) rule which took effect on January 19, 2017. One of the main purposes of the FEM Rule is to reduce the accumulation of unpaid child support arrears. This is of particular importance to families dependent on an incarcerated parent with a support obligation.

Research studies, such as the Abell Foundation’s “*Reforming Child Support to Improve Outcomes for Children and Families*,” show that incarcerated parents often do not understand that child support debt may accrue during incarceration, even though the parent does not generate income while incarcerated. The study also found that more than 30 percent of current child support cases in Baltimore City involve either current or formerly incarcerated parents.

Arrearages can become burdensome. Often, once obligor is released, he or she is left with a debt that cannot be reasonably paid. The result is a reduction in overall compliance, and this ultimately harms the children who depend on consistent child support payments.

Currently, Maryland Family Law §12-104.1 (b) provides that a child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated for 18 consecutive months or more. This legislation will amend current law to allow the suspension of a child support order and prohibit the assessment of any arrearages, in instances where the obligor is incarcerated for more than 180 consecutive calendar days.

This bill arguably provides many benefits to non-custodial parents. However in the Department’s view, it is most critical that Maryland be in compliance with federal law. The Child Support Administration receives roughly \$80 million in federal TANF funding for our child support programs. Preservation of this funding is critical to our programming, to ensure that children receive the support they need and deserve.

For these reasons, I strongly urge a favorable report by the Committee for HB 234. Thank you for the opportunity to testify in support of this bill, and I am happy to answer any questions you may have.

