
To: Members of the House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Eleni C. vanRoden, Esquire

Date: March 5, 2020

Subject: **House Bill 1266:**
Child Support – Modification – Credit Toward Arrearage

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 1266: Child Support – Modification – Credit Toward Arrearage.**

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.

Under current law, the Courts have no requirement to credit overpayment of child support to the obligor, thus providing no justice for the obligor for overpayment and leaving the obligor still to pay toward arrearages without credit toward past overpayments. Additionally, as a matter of practicality, this looks more to the interests of the parties, specifically to the recipient of the child support, rather than to the best interest of the minor child(ren), which is not served by an obligor suffering monetarily due to previous overpayment and current arrearages without anything to show for same.

HB1266 will amend Family Law Article Section 12-104 by requiring the Court to credit any overpayment by the obligor toward obligor’s arrearages on modification of child support. This amendment does not require the recipient of the child support to return any funds paid by the obligor, and only applies to an obligor who is in arrears under a child support order at



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the time of filing a motion for modification of child support. Therefore, it will not cause excess clogging of Court or affiliated personnel resources.

For the reasons stated above, the Family and Juvenile Section of the MSBA **supports House Bill 1266 and urges a favorable committee report.**

Should you have any questions, please contact Eleni C. vanRoden, Esquire by e-mail at eleni@vanrodenlaw.com or by telephone at (410) 838-9060.