

BRIAN E. FROSH
ATTORNEY GENERAL

ELIZABETH E. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

CAROLYN A. QUATTROCKI
DEPUTY ATTORNEY GENERAL



THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

SANDRA BENSON BRANTLEY
COUNSEL TO THE GENERAL ASSEMBLY

KATHRYN M. ROWE
DEPUTY COUNSEL

SHAUNEE L. HARRISON
ASSISTANT ATTORNEY GENERAL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

March 21, 2022

The Honorable Shaneka Henson
Maryland General Assembly
154 House Office Building
Annapolis, Maryland 21401

Re: *House Bill 1293, "Driver's Licenses - Suspension For Child Support Arrearages - Exception"*

Dear Delegate Henson:

You asked for advice about House Bill 1293, which exempts an individual whose income is at or below 300% of the federal poverty level from provisions requiring the Motor Vehicle Administration to suspend the obligor's license or privilege to drive in the State if the obligor is out of compliance with a child support order and specified conditions are met. A concern was raised that the bill is not in line with federal law. After reviewing the Fiscal & Policy Note and other materials, it is my view that nothing in federal law prohibits a state from determining that specified lower-income individuals should be exempt from the mandatory suspension of the individual's driver's license. I explain my reasoning below.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to have procedures in place authorizing suspensions of drivers' licenses for unpaid child support, among other things. Specifically, the relevant provision of the federal Social Security Act, 42 U.S.C. § 666(a)(16), requires states to have and use procedures to suspend driver's licenses in "appropriate" cases with child support arrears as a condition of federal Title IV-D funds. At the same time, according to the Congressional Research Service, "[s]tates not only have an array of child support collection/enforcement tools at their disposal, but they also have flexibility with regard to which collection/enforcement methods to use." Carmen Solomon-Fears, "*Child Support Enforcement and Driver's License Suspension Policies*," CRS (April 11, 2011) at 5. This is consistent with the information provided by the Judiciary to the Department of Legislative Services that "that nothing in the federal law or implementing rules

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specifically provides that the income limits in this bill would violate that statutory requirement.” *See* Fiscal & Policy Note at 3.

Additionally, I note that the former Commissioner of the Federal Office of Child Support Enforcement authored a report titled “Reforming Child Support to Improve Outcomes for Children and Families.” Vicki Turetsky, *The Abell Report*, Vol. 32, No. 5 (June 2019). Among other things, the report recommends that Maryland “[e]xempt parents with incomes less than 200 percent of poverty from driver’s license suspension.” *Id.* at 39. Finally, the Maryland Attorney General supports the bill.

Based on the foregoing, it is my view that, if enacted, HB 1293 will not put federal funding at risk. Maryland would simply be imposing an income limit, not doing away with procedures to suspend driver’s licenses in appropriate cases where an obligor is out of compliance with a child support order.

Sincerely,



Sandra Benson Brantley
Counsel to the General Assembly