

TESTIMONY IN SUPPORT OF SENATE BILL SB164:

Driver's Licenses - Suspension for Child Support Arrearages - Exception

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee.

FROM: **Dwan Burton**

DATE: February 1, 2023

I, Dwan Burton support(s) SENATE BILL 164 to repeal the punitive practice of driver's license suspensions for lower-income obligors.

In support of loved ones, I've spent numerous hours in court hearings around child support or related custody hearings. To see the number of individuals, mainly men, to be carded off to jail for failure to make adequate child support payments is highly disturbing.

As a black woman, and Maryland resident, I know firsthand the devastation that the US legal system has impressed upon the black nuclear family. While it might not appear to be related to some, criminalizing the lack of financial support of one parent does a grave disservice to not just the individual facing the legal ramifications, but the child or children suffer the most. From the "war on drugs" that fraudulently preyed on inner-city black Americans by introducing highly addictive and illegal substances that ultimately shipped record numbers of black men to prison for possession or distribution, to the lack of access and opportunities offered to minorities for advancement economically, educationally, to the dissolution of the family unit through government public assistance programs, the punitive practice of revoking an individual's professional license to work in a field or industry, or drivers license, a necessary medium for navigating everyday life, policies that target lower-income individuals for their inability to pay child support is egregious and contributes to an overly oppressive legal system.

Who truly benefits from the financial gain of increasing the jail and prison population, and a system that increases its bottom line from the indigent population? The same system imposes the predatory law. I've witnessed way too many minorities escorted out of the courtroom to jail for their inability to meet the financial obligation for child support. Another potential solution is to remove child support cooperation as an eligibility requirement for public assistance and adopt a 100 percent pass-through policy to ensure all child support payments are sent directly to the mother and child, instead of to the state for reimbursement ([Justice Policy Institute, 2022](#)).

The immediate collateral damage for many who have their license revoked due to child support arrears, includes, the loss of access to necessary transportation that can prevent or limit access or opportunities for their children, loss of job and subsequent wages, the threat of jail time or additional financial hardship should an individual be caught driving with an invalid license, and increased emotional duress. Additionally, the lack of income resulting from a license suspension could directly create a desperate environment, none of which is of benefit or support for the affected child/ren. When our basic human needs are not met (shelter, food, etc.), it creates desperation, and it is that compounded trauma that can lead to unsavory life choices. "[The systems that cause poverty create circumstances in which people make risky and rash decisions because they feel trapped.](#)"

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The whole concept is predatory, as the state, many times, is the party seeking financial relief in supporting the co-parent with necessary food or cash assistance (SNAP/TANF). Child support is a concept that was designed to address some of the needs of minors. What it does not take into account is the non-monetary support that a parent may be provided, which could be of great overall value to the child. In essence not take into account very valid and beneficial ways that a parent may be supporting their child.

If the goal is to recoup or to balance the responsibilities of both parents and to offer the necessary support for the affected child/children, there are a number of alternatives to achieve this goal than to criminalize the indigent parent.

“The impact of having an incarcerated parent disproportionately falls on the shoulders of Black children with one in nine Black children having an incarcerated parent compared to 1 in 57 White children ([Clarke, 2016](#)). Children of incarcerated parents are more likely to live in poverty and face developmental and educational challenges. Policy reform is not only crucial for supporting nonresident fathers but also for supporting children born to unmarried partners” or divorced parents.

“Social and criminal policy reform must prioritize initiatives that strengthen the social safety net — childcare, higher wages, health care, education, affordable housing — so all parents have the resources needed to raise a safe and healthy child. Unfortunately, billing poor fathers does not make their children any less poor. Under the current landscape of our nation’s child support enforcement policies, social conditions, and justice practices, poverty becomes aggravated rather than alleviated.” ([Justice Policy Institute, 2022](#))

Punitive child support enforcement policies are not conducive to supporting the reintegration of parents or promoting the well-being of children. Reentry is challenging enough. A primary reform strategy is to decriminalize nonpayment of child support by replacing incarceration with work-oriented diversion programs ([Justice Policy Institute, 2022](#)). There are a number of programs in Maryland that will offer job training programs. However, typically reliable transportation is necessary, additionally, with the threat of jail time staring in your face, the emotional toll of navigating an already pressured situation to be punctual with fewer resources, and additional financial drain is counterproductive.

Solutions successfully implemented in other states are listed below.

Georgia’s diversion centers and parent accountability courts have saved the state close to \$10 million dollars in incarceration costs (Hoback, 2017). Parents are housed at diversion centers and travel to and from work, allowing parents to keep their job with the hope they will be able to meet their obligations. Georgia’s parent accountability court is similar to that of drug courts, parents are required to attend education and job training and find employment. Similarly, Texas’ diversion program, NCP Choices Program, helps under and unemployed parents find and maintain employment. By meeting with a workforce counselor every week, spending the required hours a week looking for work, and attending court and program appointments — noncustodial parents were 50 percent more consistent in paying child support orders and were employed at a rate twenty-one percent higher than nonparticipants ([Hoback,](#)

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[2017](#)). Work-oriented diversion families keep families together, lower states costs of incarceration, and support employment opportunities for nonresident parents.

For these reasons and more, we urge a favorable report on SENATE BILL 164.

Thank you, Dwan Burton

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