

BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: Noncustodial parents who lose their drivers' licenses for nonpayment of child support cannot have them reinstated.

FACT: While federal law requires that state child support programs have mechanisms to suspend licenses, states have the flexibility to allow reinstatement or issue provisional licenses for employment.

Federal law 42 USC 666(a)(16) requires that state child support programs have processes to withhold, suspend, or restrict licenses for noncompliance with child support. Under the federal law, states may suspend drivers' licenses for a variety of non-driving offenses, including nonpayment of child support.

Each state administers this requirement in different ways-- through an administrative or judicial process, or through a combination of both. States also have great flexibility in deciding what triggers suspension, such as the threshold of an unpaid past due amount. However, many states have a specific hardship exemption, recognizing the importance of helping parents who are behind in their child support avoid license revocation. These states assist parents in reinstating their licenses if they meet certain payment requirements.

Examples of state drivers' license renewal practices include:

- Child support offices may supply work-restricted licenses for parents who have jobs.
- Child support offices may provide payment plans and conditional licenses while payments are being made.
- Child support statutes or policies may provide that inability

to pay is a defense to license suspension if the parent lacked the ability to pay the underlying support order.

- Child support programs may partner with employment programs to help noncustodial parents find and keep jobs. These employment programs may help with restoring drivers' licenses.

The process to restore a license will likely require affirmative steps from the noncustodial parent. Noncustodial parents may wish to contact their local child support offices and request assistance with arrears management, order modification, and license reinstatement. Partnerships with legal service programs or fatherhood programs may help noncustodial parents navigate the complexities of reinstatement.

For More Information:

GAO Report on License Suspension for Nondriving Offenses
<http://www.gao.gov/new.items/d10217.pdf>

Employment Programs in Child Support
<http://www.acf.hhs.gov/programs/css/resource/improving-child-support-outcomes-through-employment-programs>

What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: www.nationalreentryresourcecenter.org/reentry-council