



Judicial Impact Statement

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Limited driving privileges for child-support suspensions

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Proposed Title Information

To amend R.C. 3123.58 to allow a person whose driver's license has been suspended for failure to make child support payments to seek limited driving privileges through a means other than a contempt proceeding.

Background

Current law requires the suspension of a driver's license when the holder is in default of child support payments. For most license suspensions, a person may petition a court for limited driving privileges for the purposes of driving to and from work, school, court hearings, or medical appointments. Currently, though, the only way for a person with a child-support suspension to obtain limited driving privileges is during a contempt proceeding.

Judicial Impact

Existing law does not allow a person whose license has been suspended for child-support default, and who is not a party to a contempt proceeding, to seek limited driving privileges, even for employment purposes. Taking away one's license for failing to make child support payments, and preventing that person from having their own means of transportation to and from work, creates a significant hindrance in that person's ability to correct the very wrong for which they are being punished. Access to reliable transportation is essential to one's ability to earn income and fulfil child-support obligations, and eases the burden a license suspension places on the family members and friends upon whom the driver must now rely for transportation to and from work. Judges would like to have the authority to grant such privileges, perhaps conditional upon the petitioner's compliance with a repayment plan for the arrearages.

Conclusion

The collateral sanction of suspending a driver's license for a child-support default further hinders one's ability to maintain the employment necessary to fulfil those obligations. A mechanism should be created whereby someone under such a suspension can seek limited driving privileges, maintain employment, and bring their child-support arrearages current.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.