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The Child Support Enforcement Program: Summary of Laws Enacted Since 1950

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The Child Support Enforcement Program: Summary of Laws Enacted Since 1950

The Child Support Enforcement (CSE) program was enacted in 1975 as a federal-state program (Title IV-D of the Social Security Act [SSA], P.L. 93-647). This followed several precursor laws creating federal child support requirements that had been enacted in the 1950s and 1960s. At its inception, the primary purpose of the CSE program was to reduce public expenditures on cash assistance (then Aid to Families with Dependent Children [AFDC], currently the Temporary Assistance for Needy Families [TANF] block grant) by obtaining ongoing support from noncustodial parents that could be used to reimburse the state and federal governments for part of that assistance. Cash assistance recipients were required to cooperate with CSE activities and assign (i.e., legally turn over) collections made on their behalf to the state. These collections were then split between the federal and state governments as reimbursement for cash assistance payments. This purpose is often referred to as *cash assistance cost-recovery*. Relatedly, the program also sought to ensure financial support for children from their noncustodial parents on a consistent and continuing basis to enable some of those families to remain off public assistance.

Since its enactment in 1975, more than 50 laws have made changes to the CSE program. The amendments in the 1980s (in particular, the Child Support Amendments of 1984 and the Family Support Act of 1988) broadened the mission beyond cash assistance cost-recovery to include service delivery for both assistance and nonassistance families. Income support for assistance families also became an increasing focus of the program, which led to changes to child support distribution and sanctions for noncooperation. In addition, this period saw improvements in the technological capabilities of the program to locate parents and collect support. These improvements expanded the reach of the program and were commonly regarded as having increased its efficacy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193) made numerous changes to establishment and enforcement authorities that were aimed at strengthening the ability of the program to collect support. It also enacted the “family first” policy, which required that former assistance families receive certain child support arrearage payments collected by the state before the state and federal governments retain their share of collections. In the decades since, additional changes to Title IV-D have included expansions to enforcement methods, changes to program funding, and further alterations to the rules that govern how support is distributed to families. It is widely asserted that since the late 1990s the CSE program has been considered effective in improving the financial well-being of custodial families by making child support a more reliable source of income.

This report summarizes the laws that have made changes to the CSE program. It begins by providing an overview of the program and current law requirements. It then discusses the events leading to the enactment of the CSE program in 1975 and the context for major legislation enacted since that time. The bulk of the report is devoted to describing the precursor laws to the CSE program, the provisions that were part of the initial law, and the many subsequent provisions that amended the program. (For a list of these laws, see **Table 2**). The information on individual CSE provisions generally focuses on how the main provisions of the CSE program changed over time, and it does not provide an exhaustive summary of all provisions in each law. (Most CSE provisions were enacted with changes to other human services and SSA programs, frequently as provisions in omnibus budget reconciliation bills). In addition, this report generally focuses only on changes made to Title IV-D of the SSA, which authorizes the CSE program. With a few exceptions, child support-related provisions outside Title IV-D are beyond the scope of this report.

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Introduction

The Child Support Enforcement (CSE) program was enacted in 1975 as a federal-state program (Title IV-D of the Social Security Act [SSA]; P.L. 93-647).¹ This followed several precursor laws creating federal child support requirements that had been enacted in the 1950s and 1960s. At its inception, the primary purpose of the CSE program was to reduce public expenditures on cash assistance (then Aid to Families with Dependent Children [AFDC], currently the Temporary Assistance for Needy Families [TANF] block grant) by obtaining ongoing support from noncustodial parents that could be used to reimburse the state and federal governments for part of that assistance. Cash assistance recipients were required to cooperate with CSE activities and assign (i.e., legally turn over) collections made on their behalf to the state. These collections were then split between the federal and state governments as reimbursement for cash assistance payments. This purpose is often referred to as *cash assistance cost-recovery*. Relatedly, the program also sought to ensure financial support for children from their noncustodial parents on a consistent and continuing basis to enable some of those families to remain off public assistance.

Since its enactment in 1975, more than 50 laws have made changes to the CSE program. The amendments in the 1980s (in particular, the Child Support Amendments of 1984 and the Family Support Act of 1988) broadened the mission beyond cash assistance cost-recovery to include service delivery for both assistance and nonassistance families. Income support for assistance families also became an increasing focus of the program, which led to changes to child support distribution and sanctions for noncooperation. In addition, this period saw improvements in the technological capabilities of the program to locate parents and collect support. These improvements expanded the reach of the program while increasing its efficacy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193), made numerous changes to establishment and enforcement authorities that were aimed at strengthening the ability of the program to collect support.² It also enacted the “family first” policy, which required that former assistance families receive certain child support arrearage payments collected by the state before the state and federal governments retain their share of collections. In the decades since, additional changes to Title IV-D have included expansions to enforcement methods, changes to program funding, and further alterations to the rules that govern how support is distributed to families. It is widely asserted that since the late 1990s the CSE program has been considered effective in improving the financial well-being of custodial families by making child support a more reliable source of income.³

¹ See Sections 451-469B of the SSA (42 U.S.C. §§651-669b). The federal regulations can be found at 45 C.F.R. Parts 301.0-310.40. Note that Title IV-D and the regulations in 45 C.F.R. refer to the “Office of Child Support Enforcement” and the “Child Support Enforcement Program.” However, on June 5, 2023, the U.S. Department of Health and Human Services (HHS) published a notice in the *Federal Register* changing the name of the program and administering entity within HHS to the “Office of Child Support Services” in Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Administration for Children and Families (ACF) (*Federal Register*, Vol. 88, No. 107, June 5, 2023, p. 36587). As no conforming changes have been made to Title IV-D or 45 C.F.R., this report continues to refer to the program as “Child Support Enforcement.”

² HHS, Office of the Assistant Secretary for Planning and Evaluation (ASPE), “The Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” August 31, 1996, <https://aspe.hhs.gov/reports/personal-responsibility-work-opportunity-reconciliation-act-1996>.

³ See, for example, Center for Law and Social Policy, “Child Support is an Effective and Important Program for Families,” August 31, 2016, <https://www.clasp.org/blog/child-support-effective-and-important-program-families>; and Daniel Schroeder, *The Limited Reach of the Child Support Enforcement System*, American Enterprise Institute, December 2016, <https://www.aei.org/research-products/report/the-limited-reach-of-the-child-support-enforcement-system/>.

This report summarizes the laws that have made changes to the CSE program. It begins by providing an overview of the program and current law requirements. It then discusses the events leading to the enactment of the CSE program in 1975 and the context for major legislation enacted since that time. The bulk of the report is devoted to describing the precursor laws to the CSE program, the provisions that were part of the initial law, and the many subsequent provisions that amended the program. (For a list of these laws, see **Table 2**). The information on individual CSE provisions generally focuses on how the main provisions of the CSE program changed over time, and it does not provide an exhaustive summary of all provisions in each law. (Most CSE provisions were enacted with changes to other human services and SSA programs, frequently as provisions in omnibus budget reconciliation bills.) In addition, this report generally focuses only on changes made to Title IV-D of the SSA, which authorizes the CSE program. With a few noted exceptions, child support-related provisions outside Title IV-D are beyond the scope of this report.⁴

Key Abbreviations Used in This Report

This report uses abbreviations for several CSE systems, related federal entities, and laws.

Table I. Key Acronyms for CSE Systems, Related Federal Entities, and Laws

Acronym	Definition
IV-D	Title IV-D of the Social Security Act
ACF	Administration for Children and Families (HHS)
AFDC	Aid to Families with Dependent Children Program
CSE	Child Support Enforcement
DRA	Deficit Reduction Act of 2005 (P.L. 109-171)
FCR	Federal Case Registry
FPLS	Federal Parent Locator Service
HHS	U.S. Department of Health and Human Services
IRS	Internal Revenue Service
NDNH	National Directory of New Hires
OCSE	Office of Child Support Enforcement (HHS-ACF)
OCSS	Office of Child Support Services (HHS-ACF)
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)
SDNH	State Directory of New Hires
SCR	State Case Registry
SDU	State Disbursement Unit
SPLS	State Parent Locator Service
SSA	Social Security Act
SSN	Social Security Number

⁴ This report also generally excludes laws that only made technical corrections to Title IV-D of the SSA. (Those laws that were excluded include P.L. 99-514, P.L. 100-647, P.L. 104-208, P.L. 105-220, P.L. 109-241, P.L. 109-435, P.L. 110-234, P.L. 110-246, and P.L. 113-79.)

Acronym	Definition
TANF	Temporary Assistance for Needy Families Program
UIFSA	Uniform Interstate Family Support Act
URESAs	Uniform Reciprocal Enforcement of Support Act

CSE Program Overview

The CSE program is considered a federal-state program because it is financed in part by the federal government and is subject to federal rules and regulations, but it is operated (and partially financed) by the states.⁵ All 50 states and four jurisdictions (the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands) operate CSE programs, generally at the county level of government. In addition, about 60 tribal nations operate CSE programs.⁶ At the federal level, the CSE program is administered by the Office of Child Support Services (OCSS), which is in the U.S. Department of Health and Human Service’s (HHS’s) Administration for Children and Families (ACF). (Prior to June 5, 2023, this office was named the “Office of Child Support Enforcement” [OCSE].⁷)

The program provides services to families who receive cash and other kinds of public assistance, and it may also serve families not receiving any public assistance. (Nonassistance families must pay certain fees, including an annual user fee.⁸) These programs must operate in accordance with state plans that are approved by HHS.

Program Financing

The primary funding stream for CSE program costs is a federal reimbursement to each state program (including the District of Columbia and territorial programs) of 66% of all allowable expenditures.⁹ The federal government’s funding is open-ended, in that it pays its percentage of expenditures with no upper limit or ceiling by matching the amounts spent by state and local governments.

In addition to state and federal cost sharing, the federal government also provides CSE incentive payments to states to encourage them to operate effective CSE programs. Federal law requires states to reinvest CSE incentive payments back into the CSE program or approved related activities. CSE programs may charge fees (e.g., application fees, annual user fees for providing CSE services, fees for genetic testing), as well as recover administrative costs in excess of those

⁵ For the purposes of the IV-D program, Section 301(a)(1) of the SSA defines *state* as including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa.

⁶ States were historically required to provide CSE services to Indian tribes and tribal organizations as part of their CSE caseloads. Although tribes were not specifically included in the CSE statute until the enactment of PRWORA in 1996, several tribes had negotiated agreements (e.g., informal, cooperative, intergovernmental, joint powers) with some states in a mutual effort to serve Native American children. PRWORA allowed direct federal funding of approved tribal CSE programs. In general, Native American children living on Indian reservations that have a tribal CSE program are covered by that specific tribal CSE program; Native American children who do not live on Indian reservations are covered by the state’s CSE program. However, there are many establishment and enforcement scenarios that might follow differing conventions. For further information, see <https://www.acf.hhs.gov/css/child-support-professionals/tribal-agencies>.

⁷ See footnote 1. For citations, this report uses the name of the entity and program listed on the cited publication.

⁸ For more information, see CRS Report RS22753, *Child Support Enforcement Annual User Fee: In Brief*.

⁹ In contrast, pursuant to amendments to IV-D made by PRWORA, the CSE program provides tribes and tribal organizations direct federal funding.

fees, to help finance their program costs. Federal law also sets aside \$10 million each fiscal year for state access and visitation programs.

Another funding stream associated with the CSE program is the child support collected by the states on behalf of families receiving TANF cash assistance, which is retained to reimburse the cost of that assistance.¹⁰ Federal law requires families who receive TANF cash assistance to assign their child support rights to the state in order to receive TANF. In other words, child support payments go to the state and federal governments instead of the family, except for amounts that states choose to “pass through” to the family as additional income. (These pass-through amounts do not affect TANF eligibility or benefit amounts.) In addition, such families must cooperate with the state if necessary to establish paternity and secure child support.

Program Activities

The CSE program provides seven major services on behalf of children:

1. locating absent/noncustodial parents,
2. establishing paternity,
3. establishing child support orders,
4. reviewing and modifying child support orders,
5. collecting child support payments,
6. distributing child support payments, and
7. establishing and enforcing support for children’s medical needs.¹¹

If a state’s CSE program cannot locate the noncustodial parent with the information provided by the custodial parent, it must try to locate the noncustodial parent through the State Parent Locator Service (SPLS), which is an assembly of systems that includes the State Case Registry (SCR) and the State Directory of New Hires (SDNH). The SCR contains records of each case in which CSE services are being provided and all new or modified child support orders. The registry includes information on the case, the child or children in the case, and both parents. In addition to the resources discussed above, a state can request the assistance of the Federal Parent Locator Service (FPLS), which is assembly of systems (including the state systems discussed above) operated by OCSS; this includes the National Directory of New Hires (NDNH)¹² and the Federal Case Registry (FCR).

¹⁰ Similarly, Section 1912 of the SSA requires that as a condition of receiving Medicaid assistance, those families must also cooperate with CSE programs and assign their rights to medical support. In addition, Section 471(a)(17) of the SSA requires the child welfare agency “where appropriate” to secure assignment of child support rights on behalf of any child receiving foster care support pursuant to Title IV-E of the SSA. However, the establishment of a child support order is not a condition of Title IV-E foster care support. Finally, 7 U.S.C. §2015(l) provides a state option to require that families receiving assistance under the Supplemental Nutrition Assistance Program (SNAP) cooperate with CSE programs as a condition of that assistance.

¹¹ For a summary of each of these services, see CRS Report RS22380, *Child Support Enforcement: Program Basics*.

¹² The NDNH is a database of personal, wage, and employment information on American workers. Employers are required by P.L. 104-193 to send new hire reports to the State Directory of New Hires, which then sends the required information to the NDNH. Contrary to its name, the NDNH includes more than just information on new employees. It includes information on (1) all newly hired employees, compiled from state reports (and reports from federal employers), (2) the quarterly wage reports of existing employees (in Unemployment Compensation [UC]-covered employment), and (3) unemployment compensation claims. The NDNH was originally established to help states locate noncustodial parents living in a different state so that child support payments could be withheld from that parent’s paycheck. Since its enactment in 1996, the NDNH has been extended to several additional programs and agencies to (continued...)

States must have procedures that permit the establishment of paternity for all children under age 18. For any children born into a marriage, the husband is generally deemed to be the father; therefore, in divorce cases paternity generally does not need to be affirmatively established. In nonmarital birth cases, however, paternity must be established prior to when a child support order is obtained. For contested paternity cases, all parties must submit to genetic testing.

The child support order is established administratively by a state/county CSE agency or through the state courts. Federal law requires states to use their state-established guidelines in establishing child support orders. These guidelines are a set of rules and tables that are used to determine the amount of the child support order. They are intended to make the calculation of child support fair, objective, consistent, and predictable. States must review and, if appropriate, adjust child support orders for TANF family cases at least once every three years. For non-TANF family cases, such a review is not automatic, but either one of the parents can request it every three years. If a request for review and modification is made prior to when that three-year cycle has ended, the requesting party must demonstrate that there was a substantial change in circumstances. Child support adjustments and modifications must be in accordance with a state's child support guidelines.

Child support collection and enforcement methods used by state CSE agencies include

- income withholding;
- intercept of federal and state income tax refunds;
- intercept of unemployment compensation;
- liens against property;
- reporting child support obligations to credit bureaus;
- intercept of lottery winnings;
- intercept of insurance settlements;
- withholding or suspending driver's licenses, professional licenses, and recreational and sporting licenses of child support debtors;
- the seizure of assets of child support debtors held by public or private retirement funds and financial institutions; and
- the denial, revocation, or restriction of passports of child support debtors.

Other program requirements include that jurisdictions have civil or criminal contempt-of-court procedures and criminal nonsupport laws. (Federal criminal penalties may be imposed in certain cases.¹³) Federal law also requires states to enact and implement the Uniform Interstate Family Support Act (UIFSA) and expand full faith and credit procedures, and it provides for international enforcement of child support.

Each IV-D child support order must include a provision for health care coverage. Medical support for a child must be provided by either or both parents, and this form of support must also be

verify program eligibility, prevent or end fraud, collect overpayments, or ensure that program benefits are correct. The NDNH is a component of the FPLS, which is maintained by OCSS and housed at the Social Security Administration. For further information, see CRS Report RS22889, *The National Directory of New Hires: In Brief*.

¹³ According to the HHS Office of Inspector General (OIG), "Federal, State, and local entities work together to identify, investigate, and prosecute egregious cases of noncustodial parents who knowingly fail to pay support obligations and whose cases meet the criteria for Federal prosecution under the Deadbeat Parents Punishment Act. These entities include the Administration for Children and Families (ACF) Office of Child Support Enforcement (OCSE), State child support enforcement offices, the Department of Justice, and OIG.... The ultimate decision on whether to prosecute a child support case at the Federal level lies with the Department of Justice." For further information, see <https://oig.hhs.gov/fraud/child-support-enforcement/about/>.

enforced. The child support order authorizes the state CSE agency to enforce medical support against a custodial or noncustodial parent whenever health care coverage is available to that parent at reasonable cost. Moreover, it stipulates that medical support may include health care coverage (including payment of costs of premiums, co-payments, and deductibles) and payment of medical expenses for a child.¹⁴

Child support payments distributed by CSE agencies increased from \$1 billion in FY1978 to \$27.4 billion in FY2022 (nominal dollars).¹⁵ (The CSE program also distributed an additional \$3.1 billion in child support for non-Title IV-D cases.) Over the same period, the number of children whose paternity was established or acknowledged each year increased from 111,000 to 1.276 million. The program collects 19.5% of child support obligations for which it has responsibility if payments on past-due child support (i.e., *arrears*) are taken into account (otherwise, 64.6%)¹⁶ and collects payments for 62.3% of its caseload. In FY2022, total CSE expenditures (federal and state) amounted to \$6.1 billion. On average, in FY2022 the CSE program collected \$4.73 in child support payments for each \$1 spent on the program.

The CSE program is estimated to handle the majority of all child support cases¹⁷; the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between the parents. The Census Bureau provides estimates of child support received by all custodial families (both families in the CSE program and non-CSE families). According to Census Bureau data, 24% of custodial families have income below the federal poverty level. Child support represented 57% of family income for poor custodial families that received full payments.¹⁸

Context for Federal CSE (IV-D) Program Establishment and Major Legislative Changes

Child Support Enforcement Prior to the Enactment of the CSE Program

Since the late 1800s, state courts have allowed some newly divorced women to recover child support directly from their ex-spouses. Before 1950, however, many noncustodial parents were able to avoid paying child support by leaving their state of residence. Because each state had its own laws that differed as to the circumstances under which support would be owed, it was relatively easy to avoid prosecution for nonpayment. A custodial parent trying to obtain child support from the noncustodial parent who was residing in another state would have to file with

¹⁴ For further information, see CRS Report R43020, *Medical Child Support: Background and Current Policy*.

¹⁵ Unless otherwise noted, all FY2022 data in this report are from HHS, Office of Child Support Enforcement (OCSE), *FY2022 Preliminary Data Report and Tables, Department of Health and Human Services*, <https://www.acf.hhs.gov/css/policy-guidance/fy-2022-preliminary-data-report-and-tables>.

¹⁶ In FY2022, \$145.5 billion in child support obligations (\$31.3 billion in current support and \$114.1 billion in past-due support) was owed to families receiving CSE services, but \$28.3 billion was paid (\$20.2 billion current, \$8.1 billion past-due; numbers do not sum to total due to rounding).

¹⁷ Elaine Sorensen, Arthur Pashi, and Melody Morales, *Characteristics of Families Served by the Child Support (IV-D) Program: 2016 Census Survey Results*, HHS, OCSE, November 2018, p. 3, https://www.acf.hhs.gov/sites/default/files/programs/css/iv_d_characteristics_2016_census_results.pdf.

¹⁸ The most recent estimate is Timothy Grall, “Custodial Mothers and Fathers and Their Child Support: 2017,” *Current Population Reports*, P60-269, U.S. Census Bureau, May 2020, pp. 5, 11. <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>.

the court in that state. This usually was an expensive and time-consuming process. If such an order was obtained, there was additional confusion about the circumstances under which the court of one state could modify an order that originated in another state. Experts reported that most parents gave up navigating this system without collecting the child support owed to them.¹⁹

In 1950, the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Bar Association developed and approved the Uniform Reciprocal Enforcement of Support Act (URESA). URESA, a state-level model law, was ultimately enacted by all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. The act was amended in 1952, 1958, and 1968.²⁰ Its purpose was to provide a system for the interstate enforcement of child support orders without requiring the person seeking child support or their legal representative to go to the state in which the noncustodial parent resided. After passage of URESA, the court system of one state had the authority to enforce the child support orders of another state, and noncustodial parents who moved to another state could not as easily avoid paying child support.²¹

The first federal law in the child support arena was also enacted in 1950 (P.L. 81-734), and additional laws were enacted in 1965 (P.L. 89-97) and 1967 (P.L. 90-248). These laws were primarily concerned with child support owed to families receiving cash assistance (i.e., AFDC). Over those decades, the AFDC population had experienced a slow but steady increase, which accelerated in the late 1960s.²² The composition of the AFDC caseload had also changed over the period. In earlier years, the majority of children needed financial assistance because their fathers had died; by the 1970s, the families receiving AFDC increasingly were families where the father was alive but absent.²³ According to the *History and Fundamentals of Child Support Enforcement Handbook*, some observers had concluded that the cumulative federal child support policy changes that had occurred up until that point were inadequate “because they did not, for example, (1) require AFDC parents to file a child support petition, (2) provide enough incentives for states to initiate actions on behalf of AFDC recipients in their jurisdictions, and (3) impose sanctions on states that failed to help families obtain child support.”²⁴

Establishment of the CSE Program

Until the mid-1970s, there was a dispute between the federal government and the states over control of the child support issue. States maintained that child support was a family issue and it should be dealt with in the privacy of the family court system at the local level of government. In contrast, the federal government maintained that the high cost of supporting cash assistance families who had been abandoned by a parent, usually because fathers were not meeting their

¹⁹ William J. Brockelbank and Felix Infausto, *Interstate Enforcement of Family Support*, 2nd Ed., 1971.

²⁰ In 1989, the NCCUSL reviewed the revised version of URESA and determined the need for major revisions. The result was the development of the Uniform Interstate Family Support Act (UIFSA), a new interstate act that superseded URESA and the revised version of URESA. The NCCUSL amended UIFSA in 1996, 2001, and 2008.

²¹ William F. Fox, “The Uniform Reciprocal Enforcement of Support Act,” *Family Law Quarterly*, vol. 12, no. 2, (Summer 1978), pp. 113-145; and Linda Henry Elrod, “The Federalization of Child Support Guidelines,” *Journal of the American Academy of Matrimonial Lawyers*, vol. 6, 1990, pp. 106, 107.

²² See the discussion of the early history of the AFDC program in CRS Report R44668, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History*.

²³ For more information, see CRS Report R44668, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History*.

²⁴ HHS, OCSE, National Institute for Child Support Enforcement, *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, pp. 1-4.

financial responsibility to support their children, made it a federal issue.²⁵ In addition, some observers contended that states were not pursuing child support as “vigorously” as they should under their URESA authorities.²⁶

In effect, the federal government won the debate. The CSE program was signed into law by President Ford in January 1975 as part of the Social Services Amendments of 1974 (P.L. 93-647). The program was intended to reduce public expenditures on cash assistance by obtaining child support from noncustodial parents on an ongoing basis and by helping poor families get support so they could stay off cash assistance. Those families were required to assign their rights to child support to the government as a condition of receiving cash assistance to reimburse the government for the cost of that assistance. Another goal of the program was to establish paternity for children born outside of marriage so that child support could be obtained for them.

The chief sponsor of the 1975 CSE legislation was Senator Russell Long, the Senate Finance Committee Chair. During the debate on the CSE legislation, Senator Long stated:

Should our welfare system be made to support the children whose father cavalierly abandons them—or chooses not to marry the mother in the first place? Is it fair to ask the American taxpayer—who works hard to support his own family and, to carry his own burden—to carry the burden of the deserting father as well? Perhaps we cannot stop the father from abandoning his children, but we can certainly improve the system by obtaining child support from him and thereby place the burden of caring for his children on his own shoulders where it belongs. We can—and we must—take the financial reward out of desertions.²⁷

President Ford expressed “reservations” when he signed the legislation into law. While he was “strongly agreeing with the objectives of this legislation,” he contended that certain provisions “go too far by injecting the Federal Government into domestic relations.” He expressed reservations regarding “serious privacy and administrative issues,” and promised to propose legislation to correct defects.²⁸ However, several years after President Ford expressed his reservations, such concerns on the part of federal policymakers had largely abated.

The Child Support Enforcement Amendments of 1984 and the Family Support Act of 1988

In subsequent years, as Congress and the President enacted laws to expand the CSE program, there was wide support for federal laws that would help hold parents accountable for financially taking care of their children. Such changes included increasing the enforcement tools available to the program, which at first were primarily contempt of court proceedings and the offset of federal tax returns (*federal tax offset*), and transitioning toward greater automation. The Child Support Enforcement Amendments of 1984 (P.L. 98-378) were passed by the House and Senate unanimously at all stages of floor consideration. The 1984 amendments had a wide range of support from such groups as the NOW Legal Defense and Education Fund, American Public Welfare Association, National Council of State Child Support Enforcement Administrators,

²⁵ S. Rept. 93-1356, pp. 42-55.

²⁶ HHS, OCSE, “Kids, They’re Worth Every Penny,” 9th Annual Child Support Enforcement Report to Congress, December 1984, p. 111.

²⁷ Remarks of Senator Russell B. Long, *Congressional Record*, vol. 118, part 7 (March 14, 1972), p. 8291.

²⁸ President Gerald R. Ford, “Statement on Signing the Social Services Amendments of 1974,” January 4, 1975, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/statement-signing-the-social-services-amendments-1974>.

National Governors Association, and National Women’s Law Center.²⁹ Representative Barbara Kennelly, the sponsor of the bill, remarked during the House debate on the amendments that the reason traditionalists and feminists could support the bill was because both groups agreed that parents should take responsibility for their children seriously.³⁰ When President Reagan signed the amendments into law on August 16, 1984, he hailed them as “legislation that will give children the helping hand they need.” He also stated:

The goal of our efforts is not just the transfer of funds. We also hope to discourage abandonment and, if families do split up, to encourage the absent parents to invest time and love in their children. Permitting individuals to ignore parental obligations and giving the bill to the taxpayers in the form of higher welfare costs have been tantamount to a stamp of approval. And this is not the kind of message public policy should be sending out.³¹

Four years later, when President Reagan signed the Family Support Act of 1988 (P.L. 100-485), into law, he said:

These reforms are designed to ensure that parents who do not live with their children nevertheless meet their responsibilities to them. To improve the adequacy of child-support awards, judges and other officials will be required to apply support guidelines developed by their States for setting award amounts. And to help ensure that the child support awarded actually is paid, child-support payments will be automatically withheld from the responsible parent’s paycheck.³²

This act made several other changes to the child support program, including requiring procedures for review and modification of orders, statewide automation, and creating the U.S. Commission on Interstate Child Support. The commission was to “submit a report to Congress that contains recommendations for (A) improving the interstate establishment and enforcement of child support awards; and (B) revising the Uniform Reciprocal Enforcement of Support Act.” The commission’s report to Congress was issued in 1992, and some of its major recommendations focused on further improvements to child support data and systems. For instance, it recommended implementing a national system to link state employment data, and a national system to link state child support case registries. Such systems were to enable the electronic transmission of data between the states, and between the states and federal government. It also proposed a national network for the location of parents and expansions of existing locate systems. Other proposed expansions included criminalizing nonsupport at the federal level, and changes to paternity establishment that would allow for voluntary acknowledgement at birth and for paternity to be determined as a civil proceeding.³³ Many of the recommendations of the commission were implemented in the laws enacted over the next several years.³⁴

²⁹ U.S. Senate, Finance Committee, *Child Support Enforcement Program Reform Proposals*, hearing, 98th Congress, 2nd session, January 24 and 26, 1984.

³⁰ *Congressional Record*, vol. 129, part 23 (November 16, 1983), p. H33043.

³¹ President Ronald Reagan, “Remarks on Signing the Child Support Enforcement Amendments of 1984,” August 16, 1984, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/remarks-signing-the-child-support-enforcement-amendments-1984>.

³² President Ronald Reagan, “Remarks on Signing the Family Support Act of 1988,” October 13, 1988, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/remarks-signing-the-family-support-act-1988>.

³³ “Official Recommendations of the United States Commission on Interstate Child Support,” *Family Law Quarterly*, vol. 27, no. 1 (Spring 1993), pp. 31-84.

³⁴ Jeff Ball, “How a ‘Blueprint for Reform’ Led to 20 Years of Program Improvement.” National Child Support Enforcement Association, https://www.ncsea.org/documents/The_Interstate_Commission_20_Years_Later_FINAL1.pdf.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and Related Legislative Changes

In 1994, the General Accounting Office (GAO, now the Government Accountability Office) issued a report examining the CSE program. GAO's report stated:

While the federal role is substantial—most program funding is federal—child support enforcement is very much a state activity. Today, states face common barriers such as increasing workloads that outpace resources, inadequate computer systems, and fragmented authority and unstandardized procedures among others. In response, states have developed a number of strategies, including augmenting their staffs with volunteers and contracting with private collection agencies, improving automation to help staff be more productive, and using innovative enforcement techniques. Some of the techniques various states have adopted are (1) requiring employers to report newly hired employees so parents who owe child support can be located, (2) using central lien indexes and tax record matching so parents' assets can be located, and (3) revoking driver's and professional licenses to encourage parents to pay what they owe. Many welfare reform proposals would further expand child support enforcement. Unless OCSE takes steps to strengthen its leadership and management of its current program, it may have difficulty implementing any new responsibilities.³⁵

The following year, the twentieth OCSE report to Congress provided several highlights of the program's accomplishments during FY1995:

State CSE agencies were able to:

- Establish paternity for 903,000 children, an increase of 77 percent since fiscal year 1992;
- Establish 1,051,336 support orders;
- Locate 4,950,112 parents, their employers, income or assets; and
- Collect a record \$10.8 billion on behalf of children, a 36 percent increase from fiscal year 1992 child support collections.³⁶

The report also stated that a 1992 Census Bureau and OCSE study had found that:

only half of all families with one custodial parent with a child support award received the full amount of child support due to them. "Can we say that we are doing enough for children, when millions of parents don't know if they can put food on their child's table while absent parents evade their responsibility?" said [HHS] Secretary Shalala. "Today's report clearly demonstrates that we need tough child support enforcement to insure children get the help they deserve. The Clinton Administration has a plan that would increase child support collections by \$24 billion over 10 years resulting in \$4.2 billion in welfare savings," added Secretary Shalala.³⁷

Three major pieces of legislation were signed into law in the latter part of the 1990s that expanded or restructured almost all aspects of the CSE program. The first of these was PRWORA (P.L. 104-193), which contained nearly 50 changes, many of them major, to child support law. These included new requirements for the distribution of support to cash assistance families, parent location and case tracking, state enactment of UIFSA by the start of 1998, genetic testing

³⁵ U.S. General Accounting Office, "Child Support Enforcement: Families Could Benefit From Stronger Enforcement Program," GAO/HEHS-95-24, December 1994, pp. 3-4, <https://www.gao.gov/products/hehs-95-24>.

³⁶ HHS, OCSE, *20th Annual Child Support Enforcement Report to Congress, for the period ending September 30, 1995*, p. 6.

³⁷ *Ibid.*, p. 2.

when paternity was disputed, several new enforcement tools (e.g., for federal employee and military nonresident parents, credit bureau reporting, driver's license suspension), and medical support orders. Many of these new requirements were modeled on state policies that were regarded as successful.³⁸ PRWORA also enhanced funding streams for the state programs, created the Access and Visitation grants to states, and allowed tribes to establish their own IV-D programs subject to certain requirements. These changes to the CSE program occurred in the context of other alterations that PRWORA made to cash assistance, by replacing AFDC with a restructured program—TANF—with the goal of reducing the number of families receiving such assistance.³⁹ When President Clinton signed PRWORA into law. He stated:

[PRWORA] includes the tough child support enforcement measures that, as far as I know, every Member of Congress and everybody in the administration and every thinking person in the country has supported for more than 2 years now. It's the most sweeping crackdown on deadbeat parents in history. We have succeeded in increasing child support collection 40 percent, but over a third of the cases where there's delinquencies involve people who cross State lines. For a lot of women and children, the only reason they're on welfare today—the only reason—is that the father up and walked away when he could have made a contribution to the welfare of the children. That is wrong. If every parent paid the child support that he or she owes legally today, we could move 800,000 women and children off welfare immediately. With this bill we say, if you don't pay the child support you owe, we'll garnish your wages, take away your driver's license, track you across State lines, if necessary, make you work off what you pay—what you owe. It is a good thing, and it will help dramatically to reduce welfare, increase independence, and reinforce parental responsibility.⁴⁰

In 1998, the Deadbeat Parents Punishment Act of 1998 (P.L. 105-187) was enacted, creating two new categories of child support felony offenses. At the law's signing, President Clinton stated:

This bill today is a gift to our children and the future. The quiet crisis of unpaid child support is something that our country and our families shouldn't tolerate. Our first responsibility, all of us, is to our children. And today we all know that too many parents still walk away from that obligation. That threatens the education, the health of our children, and the future of our country.... The Deadbeat Parents Punishment Act of 1998 deals with child support evaders in the most serious cases. From now on if you flee across State lines and refuse to pay child support you may be charged with a Federal offense, a felony offense, and may land in jail for up to 2 years. One way or the other people who don't support their children will pay what they must.⁴¹

Less than one month later, President Clinton also signed the Child Support Performance and Incentive Act of 1998 (P.L. 105-200) into law, which revised the prior incentive payment system to the states into its current form. He stated:

³⁸ HHS, OCSE, *21st Annual Child Support Enforcement Report to Congress, for the Period Ending September 30, 1996*, p. 7

³⁹ For further background on AFDC and TANF, see CRS Report R44668, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History*.

⁴⁰ President William J. Clinton, "Remarks on Signing the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and an Exchange With Reporters," August 22, 1996, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/remarks-signing-the-personal-responsibility-and-work-opportunity-reconciliation-act-1996>.

⁴¹ President William J. Clinton, "Remarks on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange With Reporters," June 24, 1998, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/remarks-signing-the-deadbeat-parents-punishment-act-1998-and-exchange-with-reporters>.

H.R. 3130 will build on this progress and help ensure that parents give their children all the support they need and deserve. First, the new law puts in place additional tough penalties for States that fail to automate their child support computer systems on time. Under this new law, States that fail to establish these State-wide systems face automatic and escalating penalties, ranging from 4 percent of Federal child support enforcement funds for the first year to 30 percent for the fifth year in which a State fails to meet national certification standards. Second, H.R. 3130 incorporates a proposal that my Administration sent to the Congress last year to reward States for their performance on a wide range of key child support goals, such as the number of paternity establishments and child support orders, rather than only on cost-effectiveness, as current law provides. Third, the law will make it easier for States to secure medical support for children in cases in which the non-custodial parent has private health coverage, by facilitating the creation of a medical support notice that all health plans will recognize.⁴²

Most Recent Legislative Changes

Since the enactment of the program changes in the latter half of the 1990s, additional amendments to Title IV-D have included expansions to enforcement methods, changes to program funding, and further alterations to the rules that govern how support is distributed to cash assistance families. Almost all of these laws have been focused on adjusting existing program components.

The Deficit Reduction Act of 2005 (DRA; P.L. 109-171) made several amendments to the CSE program as part of a reconciliation act that, on net, reduced funding for the CSE program.⁴³ The act altered existing program funding streams, distribution requirements for current and former TANF families, and enforcement methods such as passport denial, federal tax offset, and insurance matching. It also changed aspects of program operations related to review and modification, medical support orders, and interstate cases. When President George W. Bush signed the DRA into law, he emphasized the budgetary motivation for some of the policies that were ultimately being enacted:

The message of the bill I sign today is straightforward: By setting priorities and making sure tax dollars are spent wisely, America can be compassionate and responsible at the same time. Spending restraint demands difficult choices, yet making those choices is what the American people sent us to Washington to do.⁴⁴

The most recent significant additions to the CSE program were made by the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), which implemented the Hague Convention on Recovery of International Child Support.⁴⁵ Upon its enactment in 2014, Secretary of State John Kerry noted that:

Back when I was a prosecutor, I saw how hard too many families had to scrape and claw just to receive their just support, and I saw how far the United States came in the last decades of righting that wrong. It was the right thing to do to help families in the United

⁴² President William J. Clinton, "Statement on Signing the Child Support Performance and Incentive Act of 1998," July 16, 1998, available online from Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/statement-signing-the-child-support-performance-and-incentive-act-1998>.

⁴³ See Congressional Budget Office, Cost Estimate, *S. 1932, Deficit Reduction Act of 2005, Conference Agreement, as amended and passed by the Senate on December 21, 2005*, January 27, 2006, p. 6, <https://www.cbo.gov/sites/default/files/109th-congress-2005-2006/costestimate/s1932conf0.pdf>.

⁴⁴ President George W. Bush, "Remarks on Signing the Deficit Reduction Act of 2005," February 8, 2006, <https://georgewbush-whitehouse.archives.gov/news/releases/2006/02/20060208-8.html>,

⁴⁵ For further information, see CRS Report R43779, *Child Support Enforcement and the Hague Convention on Recovery of International Child Support*.

States and other countries get what is rightfully theirs. I am grateful to Congress for passing this important implementing legislation. It's a reminder of how the Administration and Congress can work together across party lines to help lead the international community on issues that really matter in peoples' lives.⁴⁶

Child Support Enforcement Laws

It is difficult to document congressional votes on specific CSE-related issues because most CSE legislation has not been in the form of stand-alone bills. For most of its history, changes to the CSE program have been achieved in tandem with changes to other human services programs. As seen in **Table 2**, many CSE provisions were incorporated in omnibus budget reconciliation acts and legislation amending SSA programs. Thus, this report only documents enacted laws, and generally does not summarize prior congressional action pertaining to these laws.

Table 2 lists the federal laws that include CSE provisions. It is followed by a description of the primary CSE provisions in the listed CSE laws. In the summaries of each of these laws, selected provisions that are outside Title IV of the SSA are also provided with parenthetical U.S. Code references. Title IV of the SSA is codified as Chapter 42 of the U.S. Code, Subchapter IV. Part D is codified at Sections 661-669b.

Table 2. Child Support Enforcement Laws Since 1950

Year	Public Law	Title	Enactment Date
1950	P.L. 81-734	Social Security Amendments of 1950	August 28, 1950
1950	—	Uniform Reciprocal Enforcement of Support Act (URESA)	See Note (below)
1965	P.L. 89-97	Social Security Amendments of 1965	July 30, 1965
1967	P.L. 90-248	Social Security Amendments of 1967	January 2, 1968
1975	P.L. 93-647	Social Services Amendments of 1974	January 4, 1975
1975	P.L. 94-46	N.A.	June 30, 1975
1975	P.L. 94-88	N.A.	August 9, 1975
1976	P.L. 94-365	N.A.	July 14, 1976
1976	P.L. 94-566	Unemployment Compensation Amendments of 1976	October 20, 1976
1977	P.L. 95-30	Tax Reduction and Simplification Act of 1977	May 23, 1977
1977	P.L. 95-59	Extension of Certain Social Welfare Programs	June 30, 1977
1977	P.L. 95-142	Medicare-Medicaid Anti-Fraud and Abuse Amendments	October 25, 1977
1977	P.L. 95-171	N.A.	November 12, 1977
1978	P.L. 95-598	Bankruptcy Reform Act of 1978	November 6, 1978
1980	P.L. 96-178	N.A.	January 2, 1980
1980	P.L. 96-265	Social Security Disability Amendments of 1980	June 9, 1980
1980	P.L. 96-272	Adoption Assistance and Child Welfare Act of 1980	June 17, 1980
1980	P.L. 96-611	N.A.	December 28, 1980

⁴⁶ John Kerry, Secretary of State, September 30, 2014, <https://2009-2017.state.gov/secretary/remarks/2014/09/232337.htm>.

Year	Public Law	Title	Enactment Date
1981	P.L. 97-35	Omnibus Budget Reconciliation Act of 1981	August 13, 1981
1982	P.L. 97-248	Tax Equity and Fiscal Responsibility Act of 1982	September 3, 1982
1982	P.L. 97-252	Uniformed Services Former Spouses' Protection Act	September 8, 1982
1982	P.L. 97-253	Omnibus Budget Reconciliation Act of 1982	September 8, 1982
1983	P.L. 98-21	Social Security Amendments of 1983	April 20, 1983
1984	P.L. 98-353	Bankruptcy Amendments and Federal Judgeship Act of 1983	July 10, 1984
1984	P.L. 98-369	Deficit Reduction Act of 1984	July 18, 1984
1984	P.L. 98-378	Child Support Enforcement Amendments of 1984	August 16, 1984
1986	P.L. 99-509	Omnibus Budget Reconciliation Act of 1986	October 21, 1986
1987	P.L. 100-203	Omnibus Budget Reconciliation Act of 1987	December 22, 1987
1988	P.L. 100-300	International Child Abduction Remedies Act	April 29, 1988
1988	P.L. 100-485	Family Support Act of 1988	October 13, 1988
1989	P.L. 101-239	Omnibus Budget Reconciliation Act of 1989	December 19, 1989
1990	P.L. 101-508	Omnibus Budget Reconciliation Act of 1990	November 5, 1990
1992	P.L. 102-521	Child Support Recovery Act of 1992	October 25, 1992
1992	P.L. 102-537	Ted Weiss Child Support Enforcement Act of 1992	October 27, 1992
1993	P.L. 103-66	Omnibus Budget Reconciliation Act of 1993	August 10, 1993
1994	P.L. 103-383	Full Faith and Credit for Child Support Orders Act	October 20, 1994
1994	P.L. 103-394	Bankruptcy Reform Act of 1994	October 22, 1994
1994	P.L. 103-403	Small Business Administration Amendments of 1994	October 22, 1994
1994	P.L. 103-432	Social Security Act Amendments of 1994	October 31, 1994
1995	P.L. 104-35	N.A.	October 12, 1995
1996	P.L. 104-134	Debt Collection Improvement Act of 1996	April 26, 1996
1996	P.L. 104-193	Personal Responsibility and Work Opportunity Reconciliation Act of 1996	August 22, 1996
1997	P.L. 105-33	Balanced Budget Act of 1997	August 5, 1997
1997	P.L. 105-34	Taxpayer Relief Act of 1997	August 5, 1997
1997	P.L. 105-89	Adoption and Safe Families Act of 1997	November 19, 1997
1998	P.L. 105-187	Deadbeat Parents Punishment Act of 1998	June 24, 1998
1998	P.L. 105-200	Child Support Performance and Incentive Act of 1998	July 16, 1998
1998	P.L. 105-306	Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998	October 28, 1998
1999	P.L. 106-113	Consolidated Appropriations Act, 2000	November 29, 1999
1999	P.L. 106-169	Foster Care Independence Act of 1999	December 14, 1999
2004	P.L. 108-199	Consolidated Appropriations Act, 2004	January 23, 2004
2004	P.L. 108-295	SUTA Dumping Prevention Act of 2004	August 9, 2004
2004	P.L. 108-447	Consolidated Appropriations Act, 2005	December 8, 2004

Year	Public Law	Title	Enactment Date
2006	P.L. 109-171	Deficit Reduction Act of 2005	February 8, 2006
2006	P.L. 109-250	Returned Americans Protection Act	July 27, 2006
2007	P.L. 110-157	Dr. James Allen Veteran Vision Equity Act of 2007	December 26, 2007
2008	P.L. 110-351	Fostering Connections to Success and Increasing Adoptions Act of 2008	October 7, 2008
2009	P.L. 111-5	American Recovery and Reinvestment Act of 2009	February 17, 2009
2010	P.L. 111-291	Claims Resolution Act of 2010	December 8, 2010
2011	P.L. 112-40	Trade Adjustment Assistance Extension Act of 2011	October 21, 2011
2013	P.L. 113-37	Department of Veterans Affairs Expiring Authorities Act of 2013	September 30, 2013
2014	P.L. 113-183	Preventing Sex Trafficking and Strengthening Families Act	September 29, 2014
2018	P.L. 115-123	Bipartisan Budget Act of 2018	February 9, 2018
2021	P.L. 116-315	Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020	January 5, 2021

Source: Prepared by the Congressional Research Service (CRS) based on a review of applicable laws.

Notes: By 1957, all states, the District of Columbia, and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands had adopted URESA. Note that this table and report generally, with a few exceptions, does not address laws containing child support provisions outside the scope of Title IV-D of the SSA. It also generally excludes laws that only made technical corrections to Title IV-D. (Those that were excluded include P.L. 99-514, P.L. 100-647, P.L. 104-208, P.L. 105-220, P.L. 109-241, P.L. 109-435, P.L. 110-234, P.L. 110-246, and P.L. 113-79.)

N.A. = not available, meaning no official or unofficial title.

1950

Social Security Amendments of 1950

The first federal child support enforcement law was P.L. 81-734, the Social Security Act Amendments of 1950.⁴⁷ The law required state welfare agencies to notify appropriate law enforcement officials upon providing AFDC to a child who was abandoned or deserted by a parent. The intent of the provision was to enable law enforcement officials to locate absent parents and to prosecute them, if warranted, under the various state laws. In effect, this provision made it the job of the prosecutor rather than the AFDC agency to file a complaint or press a lawsuit against noncustodial parents who had deserted their families. The AFDC agency was only responsible for providing eligible children with public assistance; it was not responsible for enforcing child support.⁴⁸

Uniform Reciprocal Enforcement of Support Act (URESAs)

Also in 1950, the NCCUSL and the American Bar Association developed and approved URESA, a state-level model law that was enacted in all 50 states, the District of Columbia, Guam, Puerto

⁴⁷ This law added Section 402(a)(10) to the SSA. All changes to Title IV-A of the SSA prior to 1996 were to the law governing the AFDC program. The AFDC program was repealed by PRWORA.

⁴⁸ HHS, OCSE, National Institute for Child Support Enforcement, *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, p. 90.

Rico, and the U.S. Virgin Islands. The act was amended in 1952 and 1958 and revised in 1968.⁴⁹ In its early years URESA was often called the “Runaway Pappy Act.” Its purpose was to put the responsibility for pursuing and enforcing child support cases on prosecutors in the states. It also provided a system for the interstate enforcement of child support orders without requiring the person seeking child support or their legal representative to go to the state in which the noncustodial parent resided. After passage of URESA, the court system of one state had the authority to enforce the child support orders of another state, and noncustodial parents who moved across state lines could not as easily avoid paying child support.

1965

Social Security Amendments of 1965

P.L. 89-97, the Social Security Amendments of 1965, allowed a state or local welfare agency to obtain from the Secretary of Health, Education, and Welfare (HEW) (now HHS) the address and place of employment of certain absent parents who owed child support. Specifically, this authority applied when an absent parent owed child support under a court order for a child applying for or receiving assistance under AFDC, or under other specified programs. (The HEW Secretary was permitted to require payment for the cost of information provided.)

1967

Social Security Amendments of 1967

P.L. 90-248, the Social Security Amendments of 1967, allowed states to obtain from the Internal Revenue Service (IRS) the address of nonresident parents who owed child support under a court order for support.⁵⁰ In addition, as part of its AFDC program, each state was required to establish a single organizational unit to establish paternity and collect child support for deserted children receiving AFDC. States were also required to work cooperatively with each other under child support reciprocity agreements, and with courts and law enforcement officials. Recognizing that law enforcement officials were overwhelmed with an assortment of cases and that most of them gave finding absent/noncustodial parents low priority, the 1967 provisions gave the newly established organizational unit the responsibility of establishing paternity and collecting child support.⁵¹ The 1967 amendments also provided for federal financial participation for (i.e., reimbursement of) costs related to paternity and child support activities at a 50% rate.

1975

Social Services Amendments of 1974

P.L. 93-647, the Social Services Amendments of 1974, created part D of Title IV of the SSA (§451, et seq.; 42 U.S.C. §651, et seq.). The law contained key CSE provisions that included the

⁴⁹ In 1989, the NCCUSL reviewed the revised version of URESA and determined the need for major revisions. The result was the development of UIFSA, a new interstate act that superseded URESA and the revised version of URESA. The NCCUSL amended UIFSA in 1996, 2001, and 2008.

⁵⁰ Such sums were authorized to be appropriated to carry out this activity. The HEW Secretary was directed to transfer to the Secretary of the Treasury sufficient amounts of funding appropriated pursuant to this authorization to enable the performance of this activity.

⁵¹ HHS, OCSE, National Institute for Child Support Enforcement, *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, p. 90.

establishment of the federal CSE program in HEW. The main CSE provisions are summarized below.

Federal Requirements

The HEW Secretary was given primary responsibility for the CSE program and was required to establish a separate organizational unit to operate it. Operational responsibilities included (1) establishing and conducting the FPLS;⁵² (2) establishing standards for state program organization, staffing, and operation; (3) reviewing and approving state plans for the program; (4) evaluating state program operations by conducting audits of each state's program; (5) certifying cases for referral to the federal courts to enforce support obligations; (6) certifying cases for referral to the IRS for support collections under Section 6305 of the Internal Revenue Code (26 U.S.C. §6305); (7) subjecting moneys due and payable to federal employees to garnishment for the collection of child support; (8) providing technical assistance to states and assisting them with reporting procedures; (9) maintaining records of program operations, expenditures, and collections; and (10) submitting an annual report to Congress.

State Plan Requirements

Primary responsibility for operating the CSE program was placed on the states pursuant to the state plan. The major requirements of a state plan were that (1) the state designate a single and separate organizational unit to administer the program; (2) the state undertake to establish paternity and secure support for individuals receiving AFDC and others who apply directly for CSE services;⁵³ (3) child support payments be made to the state for distribution; (4) the state enter into cooperative agreements with appropriate courts and law enforcement officials; (5) the state establish a State Parent Locator Service (SPLS) that uses state and local parent location resources and the Federal Parent Locator Service (FPLS); (6) the state cooperate with any other state in locating an absent parent, establishing paternity, and securing support; and (7) the state maintain a full record of collections and disbursements made under the plan.

In addition, new eligibility requirements were added to the AFDC program requiring applicants for, or recipients of, AFDC to cooperate with the state in establishing paternity and securing support, and to furnish their Social Security numbers to the state.⁵⁴ Along with these cooperation requirements, those cooperating AFDC families were then required to make an assignment of support rights to the state. (Note that although these provisions are requirements for Title IV-A of the SSA, they are a cornerstone of the Title IV-D program.) The law stipulated as well that if a state is found via the annual audit not to be in compliance with the CSE state plan, the state's AFDC reimbursement (i.e., the federal share of a state's AFDC expenditures) would be reduced by 5%.

Each state/jurisdiction was also required to make its CSE program available to individuals who were not recipients of AFDC if such individuals applied for CSE services. The state/jurisdiction was allowed to charge an application fee and could also recover costs that were in excess of the application fee from the amount of child support collected.

⁵² The FPLS is an assembly of systems operated by OCSS in HHS, to assist states in locating noncustodial parents, putative fathers, and custodial parents for the establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody, and visitation. The FPLS assists federal and state agencies in identifying overpayments and fraud, and assists with assessing benefits.

⁵³ P.L. 93-647 allowed a "reasonable" application fee to be imposed on non-AFDC families for CSE services.

⁵⁴ P.L. 93-647 provided that the AFDC payment to an otherwise eligible child would not be sanctioned if their parent (or other relevant individual) fails to cooperate with this requirement.

Distribution of Child Support

The 1975 law required that child support payments made on behalf of children receiving AFDC benefits must be paid to the state rather than directly to the family. It also established procedures for the distribution of child support collections received on behalf of families on AFDC. These provisions, together with the assignment of child support rights provision, enabled states and the federal government to regain a portion of their AFDC expenditures. This meant that in cases where child support was collected on behalf of a child receiving AFDC and the amount of the child support was not enough to make the family ineligible for AFDC, the family continued to receive its full AFDC payment and the child support collection was used to reimburse the state and federal government to the extent of their participation in the financing of past and current AFDC payments. Child support collected in excess of state and federal financing of those AFDC payments, up to the amount ordered for that period (e.g., month), was to be paid to the family. Also, for a 15-month period beginning July 1, 1975, a temporary exception was made to this general distribution rule provided in the law. During this period, 40% of the first \$50 collected on behalf of an AFDC family would be distributed (i.e., *passed through*) to them without any decrease in the amount of AFDC benefits paid to that family during that month.

Child support collected on behalf of families who had never received AFDC assistance was to be distributed to those families, except that states had the authority to deduct any costs for furnishing CSE services from the child support collected.

Once an AFDC family ceased to receive assistance, the state was permitted to distribute the full amount of child support collected to that family for a period of up to three months (starting the month after the family ceased to receive assistance). At the end of this period, if authorized by the family, the state was to distribute the net amount of child support collected after deducting any costs for those CSE services (if opting to do so).

Financing the CSE Program

In addition to the AFDC collections discussed above, the law created an incentive system to encourage states to collect payments from parents of children on AFDC. Under this system, financial incentive payments were provided to localities of the state (i.e., political subdivisions of the state) that had collected child support payments on behalf of state CSE agencies. When more than one jurisdiction was involved, the incentive payment was allocated among the jurisdictions. The incentive payment also applied to states enforcing and collecting child support payments on behalf of other states. The incentive amount was dependent on when the child support collection was made. For the first 12 months of collections for a particular case, the incentive was 25% of the amount that was used to reimburse AFDC payments. After 12 months of collections in a particular case, the incentive payment dropped to 10%.⁵⁵ Incentive payments came out of the portion of child support collections sent to the federal government (hence, with zero cost to the states).

The law established federal financial participation for state costs in carrying out their CSE programs. The law required the HEW Secretary to pay each state, on a quarterly basis, an amount equal to 75% of the total amount expended by the state on CSE expenditures, except that reimbursement of state expenditures on behalf of non-AFDC families (i.e., families that were not

⁵⁵ The 25%/10% rate ended on September 30, 1977. Pursuant to P.L. 95-30 the rate became 15% of such child support collected by localities or by one state for another state.

required to assign their child support rights to the state) were to be eliminated after June 30, 1976.⁵⁶ The law generally authorized appropriations to carry out the purposes of Title IV-D.

P.L. 94-46

States encountered several challenges in complying with the federal CSE program requirements prior to July 1, 1975 (the effective date of P.L. 93-647). In response, legislation was enacted as P.L. 94-46 to delay the effective date of the CSE program to August 1, 1975.

P.L. 94-88

To resolve some of the challenges associated with the Social Services Amendments of 1974 (P.L. 93-647), P.L. 94-88 was enacted in August 1975 to allow states to obtain waivers from certain program requirements under certain conditions until June 30, 1976. States granted those waivers would receive federal reimbursement at a reduced rate (50% rather than 75%). The law also eased the requirement for AFDC recipients to cooperate with state CSE agencies when “good cause” for refusing to cooperate existed, such as when cooperation would not be in the best interests of the child. It also provided for supplemental payments to AFDC recipients whose grants would be reduced due to the implementation of the CSE program. In addition, the law provided for quarterly advances to the states for CSE programs, and authorized the payment of funds to cover specified costs incurred by the states during July 1975, in a good faith effort to implement specified CSE programs.

1976

P.L. 94-365

P.L. 94-365 provided a one-year extension on funding of CSE services for non-AFDC families. The federal 75% matching rate (federal financial participation) was extended for CSE funding for non-AFDC families from June 30, 1976, through June 30, 1977.

Unemployment Compensation Amendments of 1976

P.L. 94-566, the Unemployment Compensation Amendments of 1976, required state employment agencies to provide certain information on individuals upon request by state CSE agencies to aid in the administration of the CSE program. The types of requested data that were to be shared included information on the specified individuals’ unemployment compensation, such as the amount of such compensation being received; the current (or most recent) home address; and information related to refusals of employment offers.

⁵⁶ Although non-AFDC families have had the option to sign up for CSE services since the start of the CSE program in 1975, federal funding of CSE services on behalf of non-AFDC families was not made permanent until 1980. P.L. 93-647 extended CSE funding for non-AFDC families through June 30, 1976; P.L. 94-365 extended it through June 30, 1977; P.L. 95-59 extended it through September 30, 1978; P.L. 96-178 extended it through March 31, 1980; and P.L. 96-272 made it permanent.

1977

Tax Reduction and Simplification Act of 1977

P.L. 95-30, the Tax Reduction and Simplification Act of 1977, made several amendments to Title IV-D of the SSA. Provisions relating to the garnishment of a federal employee's wages for child support were amended to (1) include employees of the District of Columbia; (2) specify the conditions and procedures to be followed to serve garnishments on federal agencies; (3) authorize the issuance of garnishment regulations by the three branches of the federal government and by the District of Columbia; (4) clarify several terms used in the statute, and (5) impose additional annual reporting requirements to Congress. The law also required that the CSE state plan provide bonding for employees who receive, handle, or disburse cash and to ensure that the accounting and collection functions are performed by different individuals.⁵⁷ In addition, the incentive payment provision was amended to change the rate to 15% of AFDC collections (from 25% for the first 12 months and 10% thereafter).⁵⁸

In addition, the law amended the Consumer Credit Protection Act (15 U.S.C. §1673(b)) to provide limits on garnishment that apply to the aggregate disposable earnings⁵⁹ of any workweek, not to exceed 50% for individuals supporting a spouse or dependent child (other than those on the support order) and 60% for individuals not supporting a spouse or dependent child. Those limits are 55% and 65%, respectively, for support payments that are more than 12 weeks late.

Extension of Certain Social Welfare Programs

P.L. 95-59, the Extension of Certain Social Welfare Programs, extended federal financial participation for non-AFDC families from June 30, 1977, to September 30, 1978.

Medicare-Medicaid Anti-Fraud and Abuse Amendments

P.L. 95-142, the Medicare-Medicaid Antifraud and Abuse Amendments, created a Medicaid state plan requirement for a medical support enforcement program to establish and collect medical support obligations that are owed to Medicaid child enrollees.⁶⁰ The Medicaid provision permitted states to condition Medicaid eligibility on requiring Medicaid applicants and enrollees to (1) assign their rights to medical support and payment to the state, (2) cooperate with the state in establishing paternity (with good cause exceptions), and (3) provide information about third parties who may be liable to pay for all or part of services provided under Medicaid.⁶¹ State Medicaid agencies were allowed to enter into cooperative agreements with any appropriate agency of any state, including the CSE agency, for assistance with the enforcement and collection of medical support obligations. Funds collected under this provision were to be retained by the state for the reimbursement of Medicaid payments made on behalf of the enrollee, with the

⁵⁷ §454 of the SSA.

⁵⁸ §458(a) of the SSA.

⁵⁹ Disposable earnings is the amount of earnings left after legally required deductions (e.g., federal, state, and local taxes; Social Security; unemployment compensation; state employee retirement systems) have been made. Deductions not required by law (e.g., union dues, health and life insurance, charitable contributions) are not subtracted from gross earnings when the amount of disposable earnings for garnishment purposes is calculated.

⁶⁰ See §11 of P.L. 95-142.

⁶¹ P.L. 95-142 amended SSA Section 1912, which was later amended by Section 2367(b) of the Medicare and Medicaid Amendments of 1984 (P.L. 98-369) to *require* Medicaid state programs to condition Medicaid eligibility on an applicant's or enrollee's compliance with these requirements (with good cause exceptions in establishing paternity).

remainder to be paid to the Medicaid enrollee. Incentives were also made available to localities making medical child support collections for states and for states securing collections on behalf of other states.⁶²

P.L. 95-171

P.L. 95-171 made changes to provisions governing the distribution of child support for former AFDC families. These changes allowed the state to retain any additional amount of support collected beyond the monthly support due to the family to cover any past assistance payments made to the family for which the state and federal government had not been reimbursed. Once all assistance payments had been reimbursed, any additional support beyond the monthly support payment was also to be paid to the family.

1978

Bankruptcy Reform Act of 1978

P.L. 95-598, the Bankruptcy Reform Act of 1978, repealed Section 456(b) of the SSA (42 U.S.C. 656(b)), which had barred the discharge in bankruptcy of assigned child support debts. Pursuant to P.L. 95-598, a child support obligation assigned to a state by an AFDC applicant or recipient could be released/discharged in a bankruptcy proceeding. (Section 456(b) of the SSA was restored in 1981 by P.L. 97-35.)

1980

P.L. 96-178

P.L. 96-178 extended federal financial participation (i.e., the federal matching rate) for CSE services on behalf of families not on AFDC to March 31, 1980, retroactive to October 1, 1978.

Social Security Disability Amendments of 1980

P.L. 96-265, the Social Security Disability Amendments of 1980, made several changes to the CSE program. With regard to federal financial support for state programs, it increased federal financial participation to 90%, effective July 1, 1981, for the costs of developing, implementing, and enhancing approved automatic data processing and information retrieval systems. It also specified the required components and capabilities of those systems, along with federal oversight and technical assistance duties. Federal financial participation was also made available for child support enforcement duties performed by certain court personnel. State programs were required to submit quarterly reports of the amount of child support collected and disbursed, as well as expenditures eligible for federal financial participation.

Another provision authorized the IRS to collect child support arrearages on behalf of non-AFDC families. Finally, the law provided state and local CSE agencies access to wage information held by the Social Security Administration and state employment security agencies for use in establishing and enforcing child support obligations.

⁶² §1903 of the SSA.

Adoption Assistance and Child Welfare Act of 1980

P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, contained four amendments to Title IV-D of the SSA related to program financing. First, the law repealed the expiration date for federal financial participation for non-AFDC services (retroactive to October 1, 1978). Second, it allowed states to receive incentive payments on all AFDC collections, not just interstate collections. Third, as of October 1, 1979, states were required to claim reimbursement for expenditures within two years, with some exceptions. Fourth, the imposition of the 5% penalty on AFDC reimbursement for states not having effective CSE programs was postponed until October 1, 1980.

In addition, the law imposed new requirements for the OCSE annual report to Congress related to non-AFDC child support cases.

P.L. 96-611

P.L. 96-611 directed the HHS Secretary to enter into an agreement with any able and willing state to make available FPLS data to be used in connection with child custody determination or enforcement, and in cases of parental kidnaping of a child. The only information authorized to be provided was the most recent address and place of employment of the absent parent or child.

1981

Omnibus Budget Reconciliation Act of 1981

P.L. 97-35, the Omnibus Budget Reconciliation Act of 1981, amended Title IV-D of the SSA in five ways. First, the IRS was authorized to withhold all or part of federal income tax refunds of certain individuals who owed past-due child support to collect those obligations on behalf of AFDC families.⁶³ (Conforming changes were made to Section 6402 of the Internal Revenue Code (26 U.S.C. §6402).) Second, CSE agencies were permitted to collect spousal support for AFDC families. Third, for non-AFDC cases, CSE agencies were required to collect fees from absent parents who were delinquent in their child support payments. These fees, which were generally to be 10% of the amount owed, were to be credited to the CSE agency from payments in excess of the delinquent support. Fourth, child support obligations assigned to the state no longer were dischargeable in bankruptcy proceedings. Fifth, with regard to unemployment claimants, new claimants were required to disclose whether they owed child support obligations. Further, states were required to notify CSE agencies if child support obligors were eligible to receive unemployment benefits and withhold a portion of unemployment benefits from claimants delinquent in their support payments.

1982

Tax Equity and Fiscal Responsibility Act of 1982

P.L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, included several provisions affecting the CSE program, primarily related to the financing of the program. Federal financial participation was reduced from 75% to 70%, effective October 1, 1982. Incentive payments were reduced from 15% to 12%, effective October 1, 1983 (such incentives were obtained from the federal share of CSE collections). The provision for reimbursement of costs of certain court

⁶³ §464 of the SSA.

personnel that exceed the amount of funds spent by a state on similar court expenses during calendar year 1978 was repealed. The mandatory 10% fee to recover costs associated with CSE services in non-AFDC cases imposed by P.L. 97-35 was repealed (retroactive to August 13, 1981), and states were given the option of establishing an application fee on custodial parents who were not receiving AFDC benefits and recovering costs in excess of the fee from either the custodial or noncustodial (non-AFDC) parent. Finally, states were newly allowed to retain child support to reimburse themselves for AFDC grants paid to families for the first month in which the collection of child support was sufficient to make a family ineligible for AFDC.

The law also allowed states to collect spousal support in certain non-AFDC cases. Moreover, members of the uniformed services on active duty were required to make allotments from their pay when support arrearages reached the equivalent of a two-month delinquency.

Uniformed Services Former Spouses' Protection Act

P.L. 97-252, the Uniformed Services Former Spouses' Protection Act, authorized treatment of military retirement or retainer pay as property to be divided by state courts in connection with divorce, dissolution, annulment, or legal separation proceedings. It also allowed for the payment of child and/or spousal support (as specified in the court order) from the military retirement or retainer pay.

Omnibus Budget Reconciliation Act of 1982

P.L. 97-253, the Omnibus Budget Reconciliation Act of 1982, provided for the disclosure of information obtained under authority of the Food Stamp Act of 1977 to various programs, including state CSE agencies.

1983

Social Security Amendments of 1983

P.L. 98-21, the Social Security Amendments of 1983, created an explicit exception for child support and alimony to Section 207 of the SSA. (Section 207 prohibits the federal government from garnishing, levying, or withholding Social Security benefits.)

1984

Bankruptcy Amendments and Federal Judgeship Act of 1983

P.L. 98-353, the Bankruptcy Amendments and Federal Judgeship Act of 1983, made nondischargeable in bankruptcy (1) any debt for child support (i.e., support of "a dependent of the debtor") ordered by a court (regardless of whether the debtor parent was ever married to the child's other parent); and (2) any such debt assigned to federal, state, or local government. In effect, this provision stipulated that child support debts in the case of non-AFDC families could not be discharged in bankruptcy proceedings.⁶⁴

⁶⁴ A similar provision for AFDC families had already been enacted as part of the original CSE law (P.L. 93-647), but was later repealed by P.L. 95-598, and then restored by P.L. 97-35.

Deficit Reduction Act of 1984

P.L. 98-369, the Deficit Reduction Act of 1984, required states to pass through to the family the first \$50 of current monthly child support payments collected on behalf of an AFDC family and to disregard it as income to the family so that it did not affect the family's AFDC eligibility or monthly benefit amount. (This provision, referred to as a *disregard* requirement, resulted in some AFDC families having up to \$50 of additional disposable income each month.) The remaining amount of child support paid would continue to be divided between the state and the federal governments according to the state's AFDC federal financial participation.

P.L. 98-369 also amended Section 152 of the Internal Revenue Code (26 U.S.C. §152) to provide that the dependency exemption for a child of divorced or separated parents could be allocated to the noncustodial parent under certain circumstances, including if the custodial parent signed a written declaration that they would not claim the exemption for the relevant year. For purposes of computing the medical expense deduction for years after 1984, Section 213 of the Internal Revenue Code (26 U.S.C. §213) was amended to provide that each parent was allowed to claim the medical expenses that he or she paid for the child.

Child Support Enforcement Amendments of 1984

P.L. 98-378, the Child Support Enforcement Amendments of 1984, featured provisions that required improvements in state and local CSE programs in four major areas (discussed below).

Mandatory Enforcement Practices

All states were required to enact statutes to improve enforcement mechanisms, including (1) mandatory income withholding procedures; (2) expedited processes for establishing and enforcing support orders⁶⁵; (3) state income tax refund interceptions for past-due support; (4) liens against real and personal property, security, or bonds for amounts of past-due support to ensure compliance with support obligations; (5) state laws allowing for the bringing of paternity actions any time prior to a child's 18th birthday, and (6) furnishing information to consumer reporting agencies (e.g., credit bureaus) with regard to the amount of support arrears. (If the amount of the overdue support involved in any case was less than \$1,000, information would be made available only at the option of the state.⁶⁶)

All support orders issued or modified after October 1, 1985, were required to include a provision for wage withholding, and the law also included detailed procedures that employers and states were required to follow for wage withholding.

Federal Financial Participation and Audit Provisions

To encourage greater reliance on performance-based incentives, federal financial participation was reduced by 2% in 1988 (to 68%) and another 2% in 1990 (to 66%). Federal financial participation at a 90% rate for automatic data processing was expanded to include computer hardware purchases, and at state option to facilitate income withholding and other newly required

⁶⁵ These expedited processes had the effect of limiting the role of the courts. An *expedited judicial process* is a legal process that generally lessens the processing time of establishing and enforcing a child support order. This process gives a *judge surrogate* authority to take several actions in lieu of the judge (e.g., take testimony and establish a record, enter default orders if the noncustodial parent does not respond in a timely manner to "notice" or "service of process," accept voluntary acknowledgments of support, and approve stipulated agreements to pay support). Judge surrogates are sometimes referred to as *masters*, *referees*, *hearing officers*, or *presiding officers*.

⁶⁶ All of these changes were made to Section 466 of the SSA.

procedures. State incentive payments were reset at 6% for both AFDC and non-AFDC collections. These percentages could rise as high as 10% for each category for cost-effective states, but a state's non-AFDC incentive payments could not exceed its AFDC incentive payments. States were required to pass incentives through to local CSE agencies if these agencies had accumulated CSE costs.

Annual state audits were replaced with audits conducted at least once every three years. The focus of the audits was altered to evaluate a state's effectiveness on the basis of program performance as well as operational compliance. Penalties for noncompliance were set at between 1% and 5% of the federal share of the state's AFDC funds, depending on the number of consecutive findings of noncompliance. The federal government could suspend imposition of a penalty based on a state's filing of, and compliance with, an acceptable corrective action plan.

Improved Interstate Enforcement

States were required to apply a host of enforcement techniques to interstate cases as well as intrastate cases. Both states involved in an interstate case could take credit for the collection when reporting total collections for the purpose of calculating incentives. Special demonstration grants were authorized beginning in 1985 to fund innovative methods of interstate enforcement and collection. Federal audits were to be focused on states' effectiveness in establishing and enforcing obligations across state lines.

Equal Services for Welfare and Non-AFDC Families

Several specific requirements were directed at improving state services to non-AFDC families. States were required to make all of the mandatory practices available for both types of cases. The interception of federal income tax refunds was extended to non-AFDC cases. Incentive payments for non-AFDC cases were provided for the first time (to apply to refunds payable after December 31, 1985, and before January 1, 1991; this time limit was repealed by P.L. 101-508). States were required to charge an application fee not exceeding \$25 for non-AFDC cases. However, states were to continue to provide services to former AFDC families once they were no longer eligible for benefits without changing the fee. States were required to publicize the availability of CSE services for non-AFDC parents.

Other Provisions

States were required to (1) collect spousal support in addition to child support where both are due in a case; (2) notify AFDC recipients, at least yearly, of the collections made on their behalf; (3) establish state commissions to study the operation of the state's child support system and report findings to the state's governor; (4) formulate guidelines for determining appropriate child support obligation amounts and distribute the guidelines to judges and other individuals who possess authority to establish obligation amounts; and (5) offset the costs of the program by charging various fees to non-AFDC families and delinquent nonresident parents. The FPLS was altered to make it more accessible and effective in locating absent parents.

With regard to the federal administration of the CSE program, the law made additional changes to Title IV-D of the SSA and Sections 6103 and 6402 of the Internal Revenue Code (26 U.S.C. §§6103 and 6402) related to the collection of past-due support from federal tax refunds. As a result of these changes, the Treasury Secretary was required to collect past-due support from refunds and charge a fee, not to exceed \$25, for that service. The law also allowed Social Security numbers to be shared for child support enforcement purposes, and for the IRS to share certain information with state agencies seeking an offset of past-due support under the Internal Revenue

Code Section 6402. Additionally, the law amended Section 406 of the SSA to allow families whose AFDC eligibility was terminated as a result of the payment of child support to remain eligible to receive Medicaid for four months (expired on October 1, 1988; this expiration date was repealed by P.L. 101-239).

The law amended Section 452 of the Social Security Act (42 U.S.C. §562) to require the HHS Secretary to issue regulations that required state child support enforcement agencies to “petition for the inclusion of” medical support as part of the child support order whenever health care coverage is available to the absent parent “at reasonable cost.” Such regulations were also to provide for information exchange between state agencies administering child support and the Medicaid program.

In addition to the demonstrations authorized to fund innovative methods of interstate enforcement and collection (discussed above), the law provided waiver authority for the CSE program to operate approved research and demonstration projects under Section 1115 of the SSA. It also mandated that the HHS Secretary waive requirements in IV-A and IV-D of the SSA if the state of Wisconsin requested this for the purposes of a demonstration of its Child Support Initiative.

Where appropriate, states were required to collect support on behalf of children receiving foster care maintenance payments under Title IV-E of the SSA (§471). Title IV-D was amended to provide for the distribution of any child support collected in such cases (§457 of the SSA). These provisions instructed that child support collected in these cases must first be used to reimburse the state and federal governments for the cost of providing Title IV-E foster care maintenance payments. If the current payments collected exceeded the amount needed to cover the payments made, funds were to be paid to the state child welfare agencies and used in the best interest of the child, which could include reserving funds for the child’s future use. Any additional remaining collections were to be retained by the state to the extent they represented past due obligations assigned to the state and were needed to reimburse the state and federal governments for the cost of previously provided Title IV-E foster care maintenance payments.

1986

Omnibus Budget Reconciliation Act of 1986

P.L. 99-509, the Omnibus Budget Reconciliation Act of 1986, included one child support enforcement amendment prohibiting the retroactive modification of child support awards (§466(a)(9) of the SSA). Under this new requirement, state laws were required to provide for either parent to apply for modification of an existing order with notice provided to the other parent. No modification was permitted before the date of this notification.

1987

Omnibus Budget Reconciliation Act of 1987

P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987, amended Section 454 of the SSA to include a provision that required states to provide CSE services to all families with an absent parent who received Medicaid and had assigned their support rights to the state,⁶⁷ regardless of whether they were receiving AFDC. The law also made a technical change to Section 457 with

⁶⁷ Ten years later, in 1997, P.L. 105-33 prohibited these Medicaid families from having to pay an application fee for CSE services.

regard to the continuation of CSE services to families no longer receiving AFDC assistance, and repealed a revolving fund in Section 452 related to the Department of Treasury's collection of child support debt.

1988

International Child Abduction Remedies Act

P.L. 100-300, the International Child Abduction Remedies Act, established procedures to implement the Convention on the Civil Aspects of International Child Abduction. The act contained provisions directing the HHS Secretary to enter into an agreement enabling the FPLS to be made available for the purposes of locating any parent or child, subject to limits and conditions specified in the law. The FPLS was prohibited from charging fees in connection with this service.

Family Support Act of 1988

P.L. 100-485, the Family Support Act of 1988, emphasized the duties of parents to work and support their children and, in particular, emphasized CSE as the first line of defense against cash assistance dependence. Key child support provisions of the act are discussed below.

Guidelines for Child Support Awards, Review, and Modification

Judges and other officials were required to use state guidelines for child support unless they rebutted the guidelines by a written finding that applying them would be unjust or inappropriate in a particular case. States were required to review guidelines for awards every four years. The HHS Secretary was directed to conduct a two-year demonstration for evaluating model procedures for reviewing child support awards.

States generally were required to review and, if necessary, adjust individual case awards every three years for AFDC cases. (This requirement was to be in effect five years after the enactment of the act.) The same requirement applied to other CSE cases, except review and adjustment was at the request of a parent. The HHS Secretary was directed to complete a study within two years after the date of enactment to determine the impact on child support awards and the courts of requiring each state to periodically review all orders in effect in the state.

Establishment of Paternity

States were required to meet federal standards for the establishment of paternity. States were given two options for determining the Paternity Establishment Percentage (PEP). They could use a PEP that was based on data that pertained solely to the CSE program or they could use a PEP that was based on data that pertained to the state population as a whole. (In effect, the PEP compared paternities established during the fiscal year with the number of nonmarital births during the preceding fiscal year.) To meet federal requirements, the PEP in a state was required to (1) be at least 50%, (2) be at least equal to the average for all states, or (3) have increased by 3% from FY1988 to FY1991 and by 3% each year thereafter.

States were mandated to require all parties in a contested paternity case to take a genetic test upon request of any party, and were authorized to charge individuals not receiving AFDC for the costs of those genetic tests. In addition, states were encouraged to implement a simple civil process for the voluntary acknowledgement of paternity. Federal financial participation for laboratory testing to establish paternity was increased to 90%.

Disregard of Child Support

The \$50 child support disregard for AFDC families authorized under the Deficit Reduction Act of 1984 was clarified so that it applied to a payment made by the noncustodial parent in the month it was due even if it was received in a subsequent month. Conforming changes were made to Section 457 of the SSA.

Requirement for Prompt State Response

The HHS Secretary was required to set time limits within which states must accept and respond to requests for assistance in establishing and enforcing support orders. (An advisory committee convened by the Secretary was to be consulted with prior to issuing any regulations relating to this issue.) In addition, the HHS Secretary was to establish standard time limits within which child support payments collected by the state CSE agency had to be distributed to the families to whom they were owed.

Requirement for Automated Tracking and Monitoring System

Every state that did not have a statewide automated tracking and monitoring system in effect had to submit an advance planning document that met federal requirements by October 1, 1991. The HHS Secretary was required to approve each document within nine months after submission. By October 1, 1995, every state had to have an approved system in effect. States were awarded 90% federal financial participation for this activity until September 30, 1995.

Interstate Enforcement

A Commission on Interstate Child Support was created to hold national conferences on interstate child support enforcement reform and to report to Congress no later than October 1, 1990, on recommendations for improvements in the system and revisions in the Uniform Reciprocal Enforcement of Support Act. The act authorized to be appropriated \$2 million in funding to carry out this activity.

Computing Incentive Payments

Amounts spent by states for interstate demonstration projects were excluded from calculating the amount of the states' incentive payments.

Additional Information to the FPLS

The Secretaries of Labor and HHS were required to enter into an agreement to give the FPLS prompt access to wage and unemployment compensation claims information useful in locating absent parents, and states were required to enable such access.

Wage Withholding

With respect to CSE cases, Section 466 of the SSA was amended to require that each state provide for immediate wage withholding in the case of orders that were issued or modified on or after the first day of the 25th month beginning after the date of enactment unless (1) one of the parties demonstrated, and the court found, that there was good cause not to require such withholding; or (2) there was a written agreement between both parties providing for an alternative arrangement. Prior law requirements for mandatory wage withholding in cases where payments were in arrears applied to orders that were not subject to immediate wage withholding.

States were required to provide for immediate wage withholding for all support orders initially issued on or after January 1, 1994, regardless of whether a parent had applied for CSE services (i.e., income withholding-only non-IV-D services). The HHS Secretary was directed to conduct a study of the administrative feasibility, cost implications, and other effects of requiring immediate income withholding with respect to all child support awards in a state, which was to be completed not later than three years after the date of enactment.

Work and Training Demonstration Programs for Noncustodial Parents

The HHS Secretary was required to grant waivers to up to five states to allow them to provide services to noncustodial parents under the AFDC Job Opportunity and Basic Skills (JOBS) training program. No new power was granted to the states to require participation by noncustodial parents. State funding was provided via a formula based on AFDC caseloads and other factors.

Data Collection and Reporting

The HHS Secretary was required to collect and maintain state-by-state statistics on paternity establishment, location of absent parents for the purpose of establishing a support obligation, enforcement of a child support obligation, and location of absent parents for the purpose of enforcing or modifying an established obligation. In addition, the HHS Secretary was directed, not later than two years after enactment, to complete a study of child-rearing costs in two-parent families and single-parent families. The law authorized such sums as were necessary to carry out this study.

Use of Social Security Number

Each state was mandated in the administration of any law involving the issuance of a birth certificate to require each parent to furnish their Social Security number (SSN), unless the state found good cause for not requiring the parent to furnish it.⁶⁸ The SSN was required to be in the birth record but not on the birth certificate, and the use of the SSN obtained through the birth record was restricted to CSE purposes, except under certain circumstances.

Notification of Support Collected

Each state was required to inform families receiving AFDC of the amount of support collected on their behalf on a monthly basis, rather than annually as provided under prior law. States had the option to provide quarterly notification if the HHS Secretary determined that monthly reporting imposed an unreasonable administrative burden. This provision was effective four years after the date of enactment. The Medicaid transition benefit in child support cases was extended from October 1, 1988, to October 1, 1989.

Demonstration Projects to Address Child Access Problems

States were authorized to establish and conduct one or more demonstration projects (under parameters prescribed by the HHS Secretary) intended to develop procedures that would develop, improve, or expand activities to increase compliance with child access provisions of court orders. It authorized to be appropriated \$4 million in funding in each of FY1990 and FY1991.

⁶⁸ §205 of the SSA.

Effectiveness measures for this demonstration included improved compliance with child support payments.

1989

Omnibus Budget Reconciliation Act of 1989

P.L. 101-239, the Omnibus Budget Reconciliation Act of 1989, repealed the effective expiration date that had applied to the requirement that Medicaid benefits continue for four months after a family loses AFDC eligibility as a result of collection of child support payments.⁶⁹

1990

Omnibus Budget Reconciliation Act of 1990

P.L. 101-508, the Omnibus Budget Reconciliation Act of 1990, with respect to non-AFDC cases, repealed the expiration of the federal provision that allowed states to ask the IRS to collect child support arrearages of at least \$500 out of federal income tax refunds otherwise due to noncustodial parents. A federal income tax refund offset was not permissible if the relevant child had reached the age of majority, even if the arrearages accrued while the child was still a minor, unless the child (now adult) had a current support order and was disabled, as defined under the Old-Age, Survivors, and Disability Insurance (OASDI) or Supplemental Security Income (SSI) programs. The IRS offset could be used for spousal support when spousal and child support are included in the same support order.

The existence of the Interstate Child Support Commission was extended from July 1, 1991, to July 1, 1992, and the commission was required to submit its report no later than May 1, 1992. The commission was allowed to hire its own staff.

The HHS Secretary was directed to enter into an agreement with the state of Texas that would waive for not more than two years, with respect to a demonstration project based in a specified Texas county, the requirements (in Section 456 of the SSA) of a written application for child support collection services and the payment of an application fee. As a condition of this waiver, the state of Texas was to conduct a study of the cost effectiveness of this policy. Federal financial participation for expenditures to carry out CSE activities related to the waiver was the lesser of 66% of such expenditures or \$500,000. (Expenditures for the state study on cost effectiveness were to be reimbursed at a 66% rate.)

1992

Child Support Recovery Act of 1992

P.L. 102-521, the Child Support Recovery Act of 1992, imposed a federal criminal penalty for the willful failure to pay a past-due child support obligation for a child who resided in another state where the obligation had remained unpaid for longer than a year or was greater than \$5,000 (18 U.S.C. §228). For the first conviction, the penalty was a fine of up to \$5,000, imprisonment for not more than six months, or both; for a second conviction, the penalty was a fine of not more than \$250,000, imprisonment for up to two years, or both. The law also authorized the Director of

⁶⁹ This requirement was subsequently repealed by PRWORA.

the Bureau of Justice Assistance to make grants to states to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate CSE efforts (42 U.S.C. §3796cc et. seq.).

Ted Weiss Child Support Enforcement Act of 1992

P.L. 102-537, the Ted Weiss Child Support Enforcement Act of 1992, amended the Fair Credit Reporting Act (15 USC §16818s-1) to require a consumer reporting agency (e.g., credit bureaus) to include in a consumer credit report any information on the failure of a consumer to pay overdue child support if that information was (1) provided by a state or local CSE agency or verified by any local, state, or federal government agency; and (2) not more than seven years old.

1993

Omnibus Budget Reconciliation Act of 1993

P.L. 103-66, the Omnibus Budget Reconciliation Act of 1993, increased the paternity establishment percentage from 50% to 75% (which was enforced by financial penalties linked to a reduction of federal financial participation for the state's AFDC program if the state did not meet the "paternity establishment percentage" requirement). It required states to adopt laws requiring civil procedures to voluntarily acknowledge paternity (including hospital-based programs).

The act also amended the Employee Retirement Income Security Act of 1974 (ERISA) to require group health plans to "provide benefits in accordance with the applicable requirements of any qualified medical child support order."⁷⁰ It defined *medical child support order* and other terms (e.g., *alternate recipient*, meaning any child recognized as having a right to enrollment in the group health plan per the medical child support order). It also specified that a medical child support order could not require a plan to provide any benefits it would not otherwise provide an enrollee, except as may be required by state law regarding medical child support (described in Section 1908 of the SSA,⁷¹ as added by a separate provision of P.L. 103-66). It also established procedural requirements for group health plans that receive medical child support orders, including regarding timely notifications of the plan participant (and each alternate recipient), and regarding provision of benefits. Furthermore, it addressed certain interactions between group health plans and Medicaid, to the extent that an individual is eligible for both, including the legal obligation of third parties (e.g., certain individuals, entities, insurers, or programs) to pay part or all of the expenditures for medical assistance under the Medicaid state plan.

Per a separate provision of P.L. 103-66 amending Title XIX of the SSA,⁷² states were required to have in effect laws prohibiting health insurers from denying enrollment of a child under the child's parent's health insurance on the basis of the child not living with such parent or living in the insurer's service area, not being claimed as a dependent on the parent's federal income tax return, or being born outside of marriage.

⁷⁰ These changes amended Part 6, Subtitle B, Title I of the Employee Retirement Income Security Act of 1974 to add Section 609 (29 U.S.C. §1169).

⁷¹ This section was later redesignated as SSA Section 1908A under the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (as incorporated into the Omnibus Consolidated Appropriations Act, 2000 [P.L. 106-113]).

⁷² This amendment added Section 1908 to Title XIX. This section was later redesignated as SSA Section 1908A under the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (as incorporated into the Omnibus Consolidated Appropriations Act, 2000 [P.L. 106-113]).

States were also required to have laws requiring insurers and employers to accommodate medical child support orders; for example, by permitting the parent subject to the order to enroll a child under that parent's plan (to the extent that family coverage is available to them), including outside of a standard enrollment period; by permitting the other parent or the state to enroll the child in the ordered parent's coverage under specified circumstances; and by protecting the child from disenrollment from health coverage, with specified exceptions. Those laws also were to prohibit insurers from imposing requirements on a state agency that were different from those applicable to the covered individual, as well as require protections for the custodial parent regarding use of and reimbursement for health care provided through the noncustodial parent's health insurance. In addition, those laws were to provide for wages to be withheld to pay insurance premiums to satisfy the child support order, and for other related enforcement mechanisms for those payments.

1994

Full Faith and Credit for Child Support Orders Act

P.L. 103-383, the Full Faith and Credit for Child Support Orders Act, required each state to enforce, according to such state's terms, a child support order by a court (or administrative authority) of another state, with conditions and specifications for resolving issues of jurisdiction (28 U.S.C. §1738B). The law did not amend Title IV-D of the SSA and therefore did not directly change federal CSE program requirements. Nonetheless, it effected the interstate processing of child support cases, including CSE cases. It required tribunals of each state to enforce, according to such state's terms, a child support order issued by a court (defined to also include an administrative authority) of another state if (1) the issuing state's tribunal had subject matter jurisdiction to hear the matter and enter an order, (2) the issuing state's tribunal had personal jurisdiction over the parties, and (3) reasonable notice and the opportunity to be heard was given to the parties. The issuing tribunal retained continuing, exclusive jurisdiction over the order as long as the child or at least one of the parties resided in the issuing state, unless the tribunal of another state (acting in accordance with the law) had modified the support order. However, the power for a tribunal to modify another state's support order was restricted.

Bankruptcy Reform Act of 1994

P.L. 103-394, the Bankruptcy Reform Act of 1994, stipulated that a filing of bankruptcy does not stay a paternity, child support, or alimony proceeding (11 U.S.C. §362(b)(2)). In addition, child support and alimony payments were made priority claims (11 U.S.C. §507(a)) and custodial parents were able to appear in bankruptcy court to protect their interests without paying a fee or meeting any local rules for attorney appearances (11 U.S.C. §501 note).

Small Business Administration Amendments of 1994

P.L. 103-403, the Small Business Administration Amendments of 1994, made parents who failed to pay child support ineligible for small business loans (15 U.S.C. §633(f)).

Social Security Act Amendments of 1994

P.L. 103-432, the Social Security Act Amendments of 1994, made changes to Section 466(a)(7) of the SSA to mandate that states implement procedures requiring periodic state reporting to consumer reporting agencies (e.g., credit bureaus) of the names of debtor parents owing at least two months of overdue child support and the amount of child support overdue. (The law provided that state reporting to an agency should not occur if that state determines the agency does not

have sufficient capability to systematically and timely make accurate use of such information, or when the state is not satisfied that the entity is a consumer reporting agency.)

1995

P.L. 104-35

P.L. 104-35 extended for two years the deadline (imposed by P.L. 100-485) by which each state was required to have in effect an automated data processing and information retrieval system for use in the administration of its CSE program (from October 1, 1995, to October 1, 1997). The 90% federal financial participation for this activity was not extended until a later law (P.L. 104-193).

1996

Debt Collection Improvement Act of 1996 (Omnibus Consolidated Reversions and Appropriations Act of 1996)

P.L. 104-134, the Debt Collection Improvement Act of 1996, made minor technical changes to Section 464 of the SSA, which governs the offset of federal tax refunds for past-due child support.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Title III of PRWORA (P.L. 104-193) was devoted to major reforms of the CSE program. It contained nearly 50 changes to child support law. The summary below generally explains these changes as they were organized in Title III. (Several conforming changes related to the CSE program, such as requiring TANF recipients to cooperate with CSE and assign to the state support owed to the family, were elsewhere in the law and generally are not detailed below.)

Subtitle A—Eligibility for Services, Distribution of Payments

The rules governing how child support collections are distributed among the federal government, state governments, and current or former cash assistance families were substantially changed. The law eliminated as a federal requirement the pass-through of the first \$50 in child support collections to current assistance families. Instead, the rules for payments to former assistance families were altered to prioritize distributing child support to those families over reimbursing state-owed arrearages. By October 1, 1997, states had to distribute to former assistance families both current support collected and arrearages that accrued after the family no longer received cash assistance before distributing any collections that remained to reimburse the state-owed arrearages that accumulated during the time the family was receiving assistance. By October 1, 2000, states also were required to distribute to the family arrearages that accrued before the family began receiving cash assistance prior to reimbursement of state-owed arrearages from the time that the family was receiving assistance.⁷³ These new rules, however, did not apply to collections made by intercepting tax refunds. The new law also contained a hold harmless provision, which provided that if this change in policy resulted in a state retaining fewer

⁷³ For detail on how the PRWORA rules apply to various categories of arrearages, see Question 30 in HHS, OCSE, *Instructions for the Distribution of Child Support Under Section 457 of the Social Security Act*, AT-97-17, October 21, 1997, <https://www.acf.hhs.gov/css/policy-guidance/instructions-distribution-child-support-under-section-457-social-security-act>.

collections than in FY1995, the federal government would reimburse that state for those losses. The HHS Secretary was required to report to Congress not later than October 1, 1998, several findings with respect to these new distribution rules and their effectiveness in reducing the need for families to receive cash assistance.

This subtitle of the law also contained clarifications of the *fill-the-gap* policy that

- allowed states the option of distributing some child support to current assistance families (pass through) so that states that operated such programs could continue to do so,
- provided safeguards against unauthorized use of paternity or child support information,
- required states to inform parents of proceedings in which child support might be established or modified, and
- required states to provide parents with a copy of any changes in the child support order within 14 days.

Subtitle B—Locate and Case Tracking

The federal government made major new investments to help states acquire, automate, and use information. First, states had to establish a state case registry (SCR) of all CSE cases and all other new or modified child support cases in the state (§454A of the SSA). The SCR had to contain specified minimum data elements for all cases. For cases enforced by the state CSE program, the SCR also had to contain a wide array of information that was to be regularly updated, including the amount of each child support order and a record of payments and arrearages. In the case of orders that included income withholding but were not in the CSE system, the state also had to keep records of payments. In CSE cases, this information was used both to enforce and update child support orders by conducting matches with information in other state and federal data systems and programs, including the FCR and FPLS systems, and program data for TANF, Medicaid agencies, and other IV-D agencies.

Second, states were mandated to create a centralized automated disbursement unit to which child support payments were paid and from which they were distributed, and that contained accurate records of child support payments (§454B of the SSA). This CSE State Disbursement Unit (SDU) was required to handle payments in all cases enforced by the CSE program and in all cases in the state with income withholding orders. In CSE cases requiring income withholding, within two days of receipt of information about a support order and a parent's source of income, the automated system at the SDU had to send an income withholding notice to employers. States also were to distribute all amounts to families within two business days after receipt from the employer or other source of periodic payment.

Third, states had to require employers to send information on new employees to a centralized SDNH (§453A of the SSA) within 20 days of the date of hire; employers reporting electronically or by magnetic tape could file twice per month. States had to routinely match the new hire information, which had to be entered into the state database within five days, against the SCR using SSNs. In the case of matches, within two days of entry of data in the SCR, employers had to be notified of the amount to be withheld and where to send the money. (States were given the option of establishing state civil monetary penalties, subject to specified limits, for certain failures to report.) Within three days, new employee information had to be reported by states to the newly established NDNH (§453 of the SSA). The law authorized new hire information to be shared with state agencies administering unemployment compensation, workers' compensation, TANF,

Medicaid, food stamps (now known as SNAP), and other specified programs. (Disclosure other than that authorized under the law was prohibited.) States using private contractors could share the new hire information with the contractors, subject to privacy safeguards. States were required to have laws clarifying that child support orders not already subject to income withholding were to immediately become subject to income withholding without a hearing if arrearages occurred. The law included rules that clarified how employers were to accomplish income withholding in interstate cases and established a uniform definition of income. Employers had to remit withheld income to the SDU within seven days of the normal date of payment to the employee.

All state and federal child support agencies were to have access to the motor vehicle and law enforcement locator systems of all states.

The FPLS was given several new functions. The new law clarified that the FPLS could be used for purposes that include establishing parentage; setting, modifying, or enforcing support orders; and enforcing custody or visitation orders. In addition to being the repository for information from every SCR and SDNH (information on new hires had to be entered into the FPLS within two days of receipt), the FPLS had to match information from SCRs with information from SDNHs at least every two days and report matches to state agencies within two days. All federal agencies also had to report information, including wages, on all employees (except those involved in security activities if they could potentially be compromised) to the FPLS for use in matching against state child support cases. State unemployment agencies had to report quarterly wage and unemployment compensation information to the FPLS. The HHS Secretary had to ensure that FPLS information was shared with the Social Security Administration, state CSE agencies, and other agencies authorized by law. However, the HHS Secretary also had to ensure that fees were established for agencies that used FPLS information, and that the information was used only for authorized purposes. The Secretaries of HHS and Labor were required to work together to develop a cost-effective means of accessing information in the various directories established by the law. Provisions also were added to Section 6103(l) of the Internal Revenue Code (26 U.S.C. §6103) relating to the disclosure of certain tax return information to federal, state, and local CSE agencies for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations. These provisions also included authorities related to disclosing certain tax return information to contractors of these CSE agencies.

All states were required to have procedures for recording the SSNs of applicants on the application for professional licenses, commercial drivers' licenses, occupational licenses, and marriage licenses; states had to record SSNs in the records of divorce decrees, child support orders, paternity orders, and death certificates.

Subtitle C—Streamlining and Uniformity of Procedures

All states were required to enact UIFSA, including all amendments adopted by the National Conference of Commissioners on Uniform State Laws before January 1, 1998. Provisions recommended by the commissioners on procedures in interstate cases were included in the law. States were not required to use UIFSA in all cases if they determined that using other interstate procedures would be more effective. The law also clarified the definition of a child's home state, made several revisions to 28 U.S.C. §1738B to ensure that full faith and credit laws could be applied consistently with UIFSA, and clarified the rules regarding which child support order states had to honor when there was more than one order.

States were required to have laws that permitted them to send orders to and receive orders from other states. Within five days of receiving a case from another state, responding states had to match the case against its databases, take appropriate action if a match occurred, and send any

collections to the initiating state. The HHS Secretary was required to issue forms that states had to use for withholding income, imposing liens, and issuing administrative subpoenas in interstate cases.

States had to adopt laws that provided the CSE agency with the authority to initiate a series of expedited procedures without the necessity of obtaining an order from any other administrative or judicial tribunal. These actions included

- ordering genetic testing;
- issuing subpoenas to obtain information necessary to establish, modify, or enforce an order;
- requiring public and private employers and other entities to provide information on employment, compensation, and benefits of any employee or contractor or be subject to penalties;
- obtaining access to vital statistics, state and local tax records, real and personal property records, records of occupational and professional licenses, business records, employment security and public assistance records, motor vehicle records, corrections records, customer records of utilities and cable TV companies pursuant to an administrative subpoena, and records of financial institutions;
- directing the obligor to make payments to the CSE agency in public assistance or income withholding cases;
- ordering income withholding in CSE cases;
- securing assets to satisfy arrearages, including the seizure of lump sum payments, judgments, and settlements; and
- increasing the monthly support due to make payments on arrearages.

Automation requirements in Section 454A were expanded to include these expedited procedures.

Provisions were also included that strengthened protection from liability for entities that share information with child support officials.

Each party to any paternity or child support proceeding was required to file with the tribunal and SCR upon the entry of the child support order and keep certain information on location and identity of each party up-to-date (e.g., SSN, driver's license number, personal and employer contact information). Due process requirements for subsequent actions between the parties could be deemed to have been met upon delivery of written notice to the most recent residential or employer address filed with the tribunal.

Subtitle D—Paternity Establishment

The procedures for paternity establishment in Section 466(5) of the SSA were replaced with a new set of requirements. While some of these essentially restated the procedures previously in effect, there were significant expansions and clarifications related to voluntary paternity establishment (including in-hospital programs) and contested cases. States were required to have laws that permitted paternity establishment from birth until at least age 18, even in cases previously dismissed because a shorter statute of limitations was in effect. In contested paternity cases, except where barred by state laws or where there was good cause not to cooperate, all parties had to submit to genetic testing at state expense when ordered by the state agency; states could recoup costs from the father if paternity was established. States had to take several actions to promote paternity establishment, including

- creating a simple civil process for voluntary acknowledgment of paternity,
- maintaining a hospital-based paternity acknowledgment program as well as programs in other state agencies (including the birth record agency), and
- issuing an affidavit of voluntary paternity acknowledgment based on a form developed by the HHS Secretary.

States must include the name of the father in the birth certificate of a child born to unmarried parents only if both parents have signed a voluntary acknowledgement of paternity or a court or administrative agency has issued an adjudication of paternity. Signed paternity acknowledgments had to be considered a legal finding of paternity unless rescinded within 60 days; thereafter, acknowledgments could be challenged only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger. Judicial or administrative proceedings to ratify a paternity acknowledgement that was not challenged by the parents were prohibited. Results of genetic testing had to be admissible in court without foundation or other testimony unless objection was made in writing. State law had to establish either a rebuttable or conclusive presumption of paternity when genetic testing indicated a threshold probability of paternity. Once paternity was indicated by genetic testing or other clear and convincing evidence, states had to require the issuance of temporary support orders. Bills for pregnancy, childbirth, and genetic testing had to be admissible in judicial proceedings without foundation testimony and were required to constitute prima facie evidence of costs incurred for such services. Putative fathers had to be given reasonable opportunity to initiate a paternity action. Voluntary acknowledgments of paternity and adjudications of paternity had to be filed with the state registry of birth records for matches with the SCR and states had to publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support.⁷⁴

Individuals who applied for TANF or Medicaid public assistance were subject to child support cooperation requirements that included providing specific identifying information about the noncustodial parent and had to appear at interviews, hearings, and other legal proceedings. States were required to have good cause and other exceptions from these requirements that took into account the best interests of the child. Exceptions could be defined and applied by the state CSE, TANF, or Medicaid agencies. Families that refused to cooperate with these requirements had to have their grant reduced by at least 25%.

Subtitle E—Program Administration and Funding

The HHS Secretary, in consultation with the State IV-D directors, was required to develop a revenue-neutral proposal for a new child support incentive system and report the details to Congress by March 1, 1997. States were given a new option for computing the paternity establishment rate. (In addition to the procedure for calculating the rate relative to the CSE caseload, states could calculate the rate relative to all out-of-wedlock births in the state.) The mandatory paternity establishment rate of prior law for the purposes of TANF penalties was increased from 75% to 90%. States were allowed several years to reach the 90% standard but had to increase their establishment rate by 2% a year when the state rate was between 75% and 90%. The noncompliance provisions of the child support program were modified so that the HHS Secretary had to take overall program performance into account.

States had to establish an automated data system under amendments to Section 454(16) and under the new Section 454A of the SSA that (1) maintained data necessary to meet federal reporting requirements, (2) calculated state performance for incentives and penalties, and (3) ensured the

⁷⁴ Some of these changes were made to Section 454(23) of the SSA.

completeness, reliability, and accuracy of data. The automated data system was also required to have privacy safeguards that included policies restricting access, system controls, routine monitoring of access and use of automated systems, and training of all personnel. Amendments to state plan requirements in Section 454(24) provided that data requirements enacted before or during 1988 had to be met by October 1, 1997; the remaining requirements had to be met by October 1, 2000. (These would be extended if the HHS Secretary failed to meet a two-year deadline for regulations.)

States were required to annually review and report to the HHS Secretary information from their automated data processing system that was adequate for HHS to determine the state's compliance with federal requirements for expedited procedures, timely case processing, and improvement on the performance indicators. The Secretary had to establish, and states had to use, uniform definitions in complying with this requirement. The Secretary had to use this information to calculate incentive payments and penalties as well as to review compliance with federal requirements. To determine the quality of data reported by the state for calculating performance indicators and to assess the adequacy of financial management of the state CSE program, the Secretary had to conduct an audit of every state at least once every three years, and more often if a state failed to meet federal requirements.

Enhanced federal funding for specified new automation requirements, as well as pre-existing state options under Section 454(16), was also provided. Funding at 90% federal financial participation for states that had opted to pursue implementation of an automated system on or before September 30, 1995 (pursuant to §454(16)), was extended for FY1996 and FY1997. (This enhanced funding had lapsed on October 1, 1995, and the extension included retroactive funding for amounts spent since that time). Otherwise, for FY1996 through FY2001 federal financial participation for meeting these requirements (both §454(16) as amended by PRWORA and §454A) was set at 80%. The HHS Secretary was directed, however, to create procedures to cap payments to meet any new PRWORA requirements to a total of \$400 million. The formula, which was to be set in regulations, was to take account of the relative size of state caseloads and the level of automation needed to meet applicable automatic data processing requirements.

An appropriation out of general funds in the Treasury was made to the HHS Secretary in an amount equal to 1% of the federal share of child support collections on behalf of AFDC and TANF families to provide technical assistance to the states and research, demonstration, and special projects of regional or national significance related to the operation of the CSE state programs. An appropriation was also made in an amount up to 2% of the federal share of AFDC and TANF child support collections to cover costs to operate the FPLS, to the extent to which those costs were not recovered by user fees.

The HHS Secretary was required to provide several new pieces of information to Congress as part of the annual CSE report to Congress. This new information included the total amount of child support collected, the costs to the federal and state governments of furnishing child support services, the number of cases involving families who became ineligible for TANF assistance during a month in the fiscal year, and the total amounts of support due and collected as well as due and unpaid.

Subtitle F—Establishment and Modification of Support Orders

The mandatory three-year review of child support orders was slightly modified to permit states some flexibility in determining which reviews of TANF cases should be pursued and in choosing methods of review; states had to review orders every three years (or more often at state option) if either parent or the state agency requested a review in TANF cases or if either parent requested a

review in non-TANF cases. For reviews outside the three-year cycle, the requesting party was required to demonstrate a “substantial change in circumstances.” States were required to provide notice to parents at least once every three years of their right to request the review. (That notice could be included in the child support order.)

Section 604 of the Fair Credit Reporting Act (15 U.S.C. §1681b) was amended to direct consumer credit agencies to release information on parents who owed child support to CSE agencies once specified requirements were met, such as ensuring privacy. Financial institutions were provided immunity from prosecution for providing information to CSE agencies; individuals who knowingly made unauthorized disclosures of financial records were subject to civil actions and a maximum penalty of \$1,000 for each unauthorized disclosure.

Subtitle G—Enforcement of Support Orders

Section 6305(a) of the Internal Revenue Code (26 U.S.C. §6305) was amended so that no additional fees could be assessed for adjustments to previously certified amounts for the same child support obligor.

CSE for federal employees, including retirees and military personnel, was substantially revamped and strengthened. Every federal agency was made responsible for responding to a state CSE agency as if the federal agency were a private business. The head of each federal agency had to designate an agent, whose name and address had to be published annually in the *Federal Register*, to be responsible for handling child support cases. The agent was required to respond to withholding notices and other matters brought to their attention by CSE officials.

The definition of income for federal employees was broadened to conform to the general CSE definition (including compensation paid, several enumerated periodic benefits, and workers compensation; and excluding certain amounts such as what is withheld for income tax purposes, or deducted health insurance premiums, normal retirement contributions, and normal life insurance premiums). Child support claims were given priority in the allocation of federal employee income.

Several requirements were also added related to members of the Armed Forces. The Defense Secretary had to establish (and update on a regular basis) a central personnel locator service that permitted location of every member of the Armed Forces. The secretaries of the military departments were required to grant leave to facilitate attendance at child support hearings and other child support proceedings. The secretaries of the military departments were also required to withhold child support from retired pay and forward it to the SDU.

Numerous requirements for state laws were also added to Section 466 of the SSA by Subtitle G. States were required to have laws that permitted the voiding of any transfers of income or property that were made to avoid paying child support. State laws were required to permit a court or administrative process to issue an order requiring individuals owing past-due support to pay the amount due, follow a plan for repayment, or participate in work activities (i.e., seek work). States had to report periodically to credit bureaus, after fulfilling due process requirements, the names of parents owing past-due child support. States were also required to have procedures under which liens took effect by operation of law against property for the amount of overdue child support; states were required to grant full faith and credit to the liens of other states. States were also required to have the authority to withhold, suspend, or restrict the use of drivers’ licenses, professional and occupational licenses, and recreational licenses of individuals owing past-due child support. In addition, state CSE agencies had to enter into agreements with financial institutions doing business in the state to develop and operate a data match system in which the financial institution supplied, on a quarterly basis, the names, addresses, and SSNs of parents

identified by the state as owing past-due child support. In response to a lien or levy from the state, financial institutions were required to surrender or encumber assets of the parent owing delinquent child support. State agencies were authorized to pay reasonable fees to the financial institutions for conducting the data matches. Financial institutions were released from liability for the disclosure of information, encumbering or surrendering the assets, or any other action taken in good faith. States were required to have procedures that allowed the option for any child support ordered for a child of minor parents to be enforced against the parents of the minor noncustodial parent.

In the case of individuals owing child support arrearages in excess of \$5,000, the HHS Secretary had to request that the U.S. State Department deny, revoke, restrict, or limit the individual's passport.

The Secretary of State, working with the HHS Secretary, was authorized to declare reciprocity with foreign countries for the purposes of establishing and enforcing support orders. U.S. residents had to be able to access services, free of cost, in nations with which the United States had reciprocal agreements; these services were expected to include establishing parentage, establishing and enforcing support, and disbursing payments. State plans for child support were mandated to include provision for treating requests for services from other nations the same as interstate cases.

The U.S. Bankruptcy Code (11 U.S.C. §523(a)) was amended to ensure that any child support debt that was owed to a state and enforceable under Title IV-D of the SSA could not be discharged in bankruptcy proceedings.

A state with tribal land was allowed to enter into a cooperative agreement with an Indian tribe or tribal organization if it demonstrated it had an established court system that established paternity, and established, modified, and enforced child support orders in accordance with child support guidelines. These agreements would provide for the cooperative delivery of CSE services in Indian country and the forwarding and distribution of funding collected by the tribe to the state agency (and vice versa). The HHS Secretary was also authorized to make direct payments to tribes that had approved CSE plans, which in effect would allow for the establishment of tribal IV-D programs.

Subtitle H—Medical Support

The definition of *medical child support order* in Section 609 of the Employee Retirement Income Security Act (29 U.S.C. 1169(a)(2)(B)) was expanded to include not just a judgment, decree, or order that was issued by a court of competent jurisdiction, but also one issued under a State administrative process, as specified.

Section 466 of the SSA was amended to require states to enact laws such that all child support orders enforced by the state CSE agency must include a provision for health care coverage for the child. If the noncustodial parent provides such health coverage and changes jobs, and the new employer provides health coverage, the state is required to send notice of the coverage requirement in the child support order to the new employer. The notice in effect “shall operate to enroll the child” in the health plan of the new employer, unless the noncustodial parent contests the notice.⁷⁵

⁷⁵ These requirements were precursors to the requirement for the National Support Notice, among other procedures, subsequently established in P.L. 105-200.

Subtitle I—Enhancing Responsibility and Opportunity for Nonresidential Parents

PRWORA provided \$10 million per year for funding grants to states for access and visitation programs including mediation, counseling, education, development of parenting plans, and supervised visitation (§496B of the SSA). The formula for dividing the grant money among the states was equal to the lesser of either 90% of state expenditures on enumerated access and visitation activities or a state allotment. State allotments were based on the proportion of children in the state living with only one biological parent to the total number of such children in all the states. (The minimum allotment was \$50,000 for FY1997 and FY1998 and \$100,000 for each succeeding fiscal year.) States were required to monitor, evaluate, and report on their programs in accordance with regulations issued by the HHS Secretary.

1997

Balanced Budget Act of 1997

P.L. 105-33, the Balanced Budget Act of 1997, made numerous technical changes to the 1996 welfare reform law (P.L. 104-193) that related to the CSE program, most of which were to Title IV-D of the SSA.

The law clarified that HHS may disclose wage and unemployment compensation in the NDNH to the Department of the Treasury, SSA, and the state IV-D agencies.

It stipulated that in addition to TANF families, the following families were exempt from paying an application fee for CSE services: families of children in foster care on whose behalf Title IV-E maintenance payments are made, families receiving Medicaid benefits (Title XIX), and certain food stamp recipients.

Other selected changes, which were largely technical in nature, included

- clarifying distribution of state-collected support and state options for applicability of certain rules, and clarifying distribution of collections with respect to families receiving assistance (e.g., that support retained by the state and federal governments cannot exceed the total amount of assistance paid, correcting the amount of the territorial match to be 75%) and families under certain agreements;
- clarifying civil penalties for failure to report required information to a SDNH;
- clarifying uses of the FPLS,⁷⁶ including access to its case registry data for research purposes;
- adding recreational licenses to the list of licenses for which the collection and use of SSNs for child support enforcement purposes is allowed (joining licenses for marriage; occupational, professional, and commercial activities; and driver's licenses);
- clarifying availability of the 2% funds for the expenses of the FPLS;
- clarifying the authority to collect child support from federal employees;

⁷⁶ As part of these, the law stipulated that no information from the FPLS was to be disclosed to any person if the state had notified the HHS Secretary that the state had evidence of domestic violence or child abuse, and that disclosure of such information could be harmful to the custodial parent or the child. Many other technical changes concerning the FPLS were also made.

- clarifying that with respect to the suspension of certain licenses for failure to pay child support, recreational licenses included sporting licenses;
- clarifying the authorities for federal grants in the form of cooperative agreements between Indian tribes and states for child support enforcement, as well as direct payments for tribal IV-D programs;
- adding to the distribution rules requirements for state retention of child support amounts collected on behalf of a child for whom a public agency was making foster care maintenance payments, to the extent necessary to reimburse it for such payments;
- clarifying that the good cause exceptions for cooperation requirements in state plans also apply to those that states opt to require cooperation with CSE as a requirement for food stamp eligibility, as well as foster care cases;
- clarifying requirements for high-volume automated administrative enforcement in interstate cases; and
- clarifying requirements for state procedures to ensure that persons with child support arrearages for TANF cases have a work or payment plan (e.g., seek work).

It also made changes to federal financial participation available for the automated systems development costs, including clarifying the eligibility of systems funded pursuant to a Section 1115(a) waiver for enhanced federal financial participation.

Taxpayer Relief Act of 1997

P.L. 105-34, the Taxpayer Relief Act of 1997, expanded Department of the Treasury access to Social Security Administration records for the purposes of tax enforcement. For IV-D systems, the law required the expansion of data collected in the Federal Case Registry of children of individuals on child support orders to include those children's SSNs. (Conforming changes were made to the automated data processing requirements for IV-D state programs.) The law further authorized that data be shared with the Treasury Secretary for the purposes of enforcing those sections of the Internal Revenue Code that grant tax benefits based on support or residence of children.

Adoption and Safe Families Act of 1997

P.L. 105-89, the Adoption and Safe Families Act of 1997 (ASFA), added state child welfare agencies to the entities with authorized access to the FPLS. ASFA emphasized the need to expeditiously identify how a child can safely leave foster care to live with a permanent family. In this context, allowing state child welfare agencies access to the FPLS was understood as a way to help the child welfare agencies locate absent parents; determine paternity if necessary; and, in cases where adoption was determined to be the child's permanency plan, permit the state to quickly identify and locate individuals for whom parental rights must be terminated to allow a child to be adopted by new parents.⁷⁷

⁷⁷ According to the House Committee on Ways and Means report (H.Rept. 105-77, p. 16) accompanying the bill that, as amended, became P.L. 105-89: "This provision assists States in making timely and informed decisions about permanency by allowing State child welfare agencies to access the Federal Parent Locator Service to identify and locate parents or other relatives who may be interested in providing a permanent home for a child in foster care. Even if a parent or other relative is unable to provide a home for the child, ruling out this alternative early in a child's (continued...)"

1998

Deadbeat Parents Punishment Act of 1998

P.L. 105-187, the Deadbeat Parents Punishment Act of 1998, amended 18 U.S.C. §228 to establish two new categories of felony offenses, subject to a two-year maximum prison term: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation had remained unpaid for more than one year or was greater than \$5,000; and (2) willfully failing to pay a child support obligation regarding a child residing in another state if the obligation had remained unpaid for more than two years or was greater than \$10,000.

Child Support Performance and Incentive Act of 1998

P.L. 105-200, the Child Support Performance and Incentive Act of 1998, established a revised incentive payment system to encourage states to operate efficient and effective CSE programs. These payments were based on a percentage of the state's CSE collections and incorporated five performance measures:

1. Paternity Establishment. States were given two options:
 - i. CSE Paternity Establishment Percentage (PEP). State performance on paternity establishment was to be calculated by dividing the total number of children in the state's CSE caseload during the fiscal year (or at state option, the end of the fiscal year) who were born outside of marriage and for whom paternity has been established by the total number of children in the state's CSE caseload as of the end of the preceding fiscal year who were born outside of marriage;
 - ii. Statewide PEP. State performance on paternity establishment was to be calculated by dividing the total number of minor children who were born outside of marriage and for whom paternity has been established during the fiscal year by the total number of children born outside of marriage during the preceding fiscal year.
2. Establishment of Child Support Orders. State performance on support orders was to be calculated by dividing the number of cases in the CSE caseload for which there is a support order during the fiscal year by the total number of cases in the program.
3. Current Payments. State performance on current payments was to be calculated by dividing the total dollars collected for current support in cases in the CSE caseload during the fiscal year by the total amount owed on support in these cases that is not past-due during the fiscal year.
4. Arrearage Payments. State performance on arrears (i.e., past-due payments) was to be calculated by dividing the number of cases in which there was some payment on arrearages during the fiscal year by the total number of cases in which past-due support is owed.
5. Cost-Effectiveness. State performance on cost-effectiveness was to be calculated by dividing the total amount collected through the child support program during

placement will allow the agency and court to move expeditiously towards adoption or another permanent alternative. The Committee understands that under current law, the FPLS can also be used specifically to provide notice of termination of parental rights proceedings.”

the fiscal year by the total amount spent by the program to make these collections during the fiscal year.

The law set specific annual caps on a total federal incentive payment pool and required each state to expend incentive payments on approved CSE program activities under that state's IV-D plan, or on other activities expected to improve the efficacy of the state's CSE program (as approved by the HHS Secretary). The exact amount of a state's incentive payment depended on its level of performance (or the rate of improvement compared to the previous year) when compared with other states. In addition, states were required to meet data quality standards. If states did not meet specified performance measures and data quality standards, they faced federal financial penalties. HHS was required to conduct a general review of the new incentive payment system, and submit a report to Congress by October 1, 2000, on variations in state performance attributable to demographic variables. HHS was also to collaborate with state IV-D directors to develop a performance measure related to medical support and report to Congress by October 1, 1999.

The law also imposed less severe financial penalties on states that failed to meet the October 1, 1997, deadline for implementing a statewide CSE automated data processing and information retrieval system. (PRWORA imposed a new IV-D state plan requirement under Section 454(24) of the SSA, which required that these automated systems were to meet all requirements that were enacted on or before the date of enactment of the Family Support Act of 1988 by October 1, 1997.) Instead of finding a state that had made a good faith effort to comply with these requirements—but had not met them by the deadline—to be out of compliance with its IV-D state plan, the law imposed escalating financial penalties on the IV-D federal financial participation to which the state otherwise would have been entitled. The penalty amount was 4% for the first fiscal year of noncompliance, 8% for the second year, 16% for the third year, 25% for the fourth year, and 30% for the fifth or any subsequent year. It also provided the HHS Secretary with authority to waive these penalties for FY1998 under specified circumstances, and stated that a state's failure to comply would not be subject to penalties under the TANF program. It expanded and clarified waiver authorities that would allow states to develop an alternative system that met specified requirements. (Such systems were eligible for 66% federal financial participation.)

Medical child support requirements were addressed via amendments to Title IV-D of the SSA and the Employee Retirement Income Security Act of 1974 (ERISA). Amendments to Title IV-D clarified that state CSE agencies must “include” medical support as part of any child support order (rather than “petition for the inclusion” of such medical support), and added new language about enforcement of medical support orders. The Secretaries of HHS and Labor were required to jointly establish a Medical Child Support Working Group, which was to study the effectiveness of the enforcement of medical support by state agencies. The HHS and Labor Secretaries were also to jointly issue regulations to develop a National Medical Support Notice to be used by states to enforce health care coverage requirements in child support orders. The National Medical Support Notice was required to conform with applicable requirements (i.e., those in ERISA Section 609 regarding medical child support orders and those in Title IV-D).

States were required to use the National Medical Support Notice where employer-sponsored coverage is required by the child support order.⁷⁸ In such cases, the law specified state procedures for providing the notice to the parent's employer, and the timeline for specified employer actions in cases where the parent is a new employee, an existing employee, or is terminated from employment. The state agency was required to use the National Medical Support Notice to “transfer notice of the provision for the health care coverage of the child to the employer.” The employer was then to transfer that notice to the appropriate health plan, and take other actions as

⁷⁸ The order might instead allow alternative coverage, such as through Medicaid or purchased directly from an insurer.

specified.⁷⁹ Amendments to ERISA were also made to effectuate these new medical support policies. These included procedures for plan administrators of group health plans to respond to a notice, including by enrolling a child in a plan as appropriate.⁸⁰

Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998

P.L. 105-306, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998, included a correction to provisions in the Child Support Performance and Incentive Act of 1998 (P.L. 105-200) related to automated data processing and financial penalties for states. This amendment allowed a state to have its annual penalty under Section 455(a)(4)(C) of the SSA reduced by 20% for each of the five performance measures under the child support incentive system for which it achieved a maximum score.

In addition, the law clarified the date by which states were to enact laws implementing medical child support provisions to allow time for state legislatures that met biennially to enact laws after final federal regulations were issued in 2000.

1999

Consolidated Appropriations Act, 2000

P.L. 106-113, the Consolidated Appropriations Act, 2000, further amended Section 455(a) of the SSA to provide an alternative penalty for states that were not in compliance with the centralized SDU requirement (under §454(27) of the SSA) but had submitted a corrective compliance plan by April 1, 2000, that described how, by when, and at what cost the state would achieve compliance. The HHS Secretary was required to reduce the amount the state would otherwise have received in federal financial participation by the penalty amount for the fiscal year, instead of finding the state out of compliance with its state plan. The penalty amount was 4% for the first fiscal year of noncompliance, 8% for the second year, 16% for the third year, 25% for the fourth year, and 30% for the fifth or any subsequent year. In addition, the law provided for coordination of the alternative disbursement unit penalty with the automated systems penalty so that states that failed to implement both the automated data processing requirement (§454(24)(A) of the SSA) and the SDU requirement were subject to only one alternative penalty.

The law granted access to the NDNH to the Department of Education. These provisions were designed to improve the ability of the department to collect on defaulted student loans and grant overpayments.

Foster Care Independence Act of 1999

P.L. 106-169, the Foster Care Independence Act of 1999, limited a hold harmless requirement pertaining to TANF collections that was in effect at the time. It did this by stipulating that states would only be entitled to hold harmless funds if the TANF child support collections that were retained by the states were less than they were in FY1995 and the state had distributed and disregarded to TANF families at least 80% of child support collected on their behalf in the preceding fiscal year, or the state had distributed to former TANF recipients the state share of

⁷⁹ The amendments to Title IV-D with regard to state implementation of the National Medical Support Notice were to be effective on October 1, 2001, with an allowance for when state legislatures would earliest be able to meet to consider the laws needed to effectuate these requirements. This deadline was subsequently amended by P.L. 105-306.

⁸⁰ Similar procedures in ERISA were enacted for state or local governmental group health plans, and church group health plans.

child support payments collected via the federal income tax offset program. If these conditions were met, the state's share of child support collections would be increased by 50% of the difference between what the state would have received in FY1995 and its share of child support collections in the pertinent fiscal year. The law provided that this hold harmless provision (then §457(d) of the SSA) would only be effective for calendar quarters between October 1, 1998, and September 30, 2001, and then would be automatically repealed on October 1, 2021.

2004

Consolidated Appropriations Act, 2004

P.L. 108-199, the Consolidated Appropriations Act, 2004, allowed the Secretary of Housing and Urban Development to access data in the NDNH with respect to persons participating in specified federal housing assistance programs.

SUTA Dumping Prevention Act of 2004

P.L. 108-295, the SUTA Dumping Prevention Act of 2004, allowed state workforce agencies access to data in the NDNH for the purposes of administering state or federal unemployment compensation programs under federal or state law.

Consolidated Appropriations Act, 2005

P.L. 108-447, the Consolidated Appropriations Act, 2005, allowed the Treasury Secretary to access data in the NDNH on persons who owe delinquent nontax debt (e.g., small business loans, Department of Veterans Affairs (VA) loans, agricultural loans) to the federal government that meets certain criteria.

2006

Deficit Reduction Act of 2005

P.L. 109-171, the Deficit Reduction Act of 2005 (DRA), made several changes to the CSE program.

With regard to program financing, it reduced federal financial participation for laboratory costs associated with paternity establishment from 90% to 66%. The law also ended the ability for states to count CSE incentive payments toward their expenditures that are eligible for 66% federal financial participation. In addition, it required states to assess a \$25 annual user fee for families that had never received cash assistance (e.g., *never TANF* cases) where annual collections on their cases were in excess of \$500.

The law created a number of new options and requirements for CSE distribution, in part to incentivize states to distribute more child support collections to families currently receiving TANF benefits as well as those that had formerly received them. For current TANF families, the law continued the existing cooperation and assignment requirements, which provide that child support accruing while the family is receiving TANF be retained by the state and federal governments to reimburse the cost of that benefit.⁸¹ However, pursuant to the DRA, states were

⁸¹ The DRA made a related change to Title IV-A of the SSA, revising Section 408(a)(3) to eliminate the assignment of pre-assistance arrearages in new assistance cases.

provided the option to pass through up to a specified amount of that child support collected on behalf of those current TANF families prior to reimbursing the cost of the benefit. States that chose to pass through some of the collected child support to each TANF family would not have to pay the federal government its share of such collections if the amount passed through to those families did not exceed \$100 per month (or \$200 per month for cases with more than one child). (A state opting to pass through support was required to disregard the passed through support for the purposes of TANF benefit eligibility in order to be exempted from federal reimbursement of its share of the amount passed through.) For child support paid after a family stops receiving TANF, the DRA provided that states could opt for simplified distribution rules that required any amount collected in excess of current support owed was first to be paid to the family to the extent necessary to satisfy any support arrearages not assigned; any support paid in excess of that amount then would be applied to arrearages owed to the states and federal government.⁸² States could also choose to pass through any assigned arrears collected on behalf of each former TANF family without the need to reimburse the federal government for its share of the collections (as long as the state share was also passed through), and discontinue support assignments for then-AFDC families that occurred prior to the enactment of PRWORA.⁸³ A state could generally choose which of these policies to implement, and could alter its choice at any time going forward.

In addition, the DRA included provisions that

- lowered the threshold amount for denial of a passport to a noncustodial parent who owes past-due child support from \$5,000 to \$2,500;
- allowed states to use the federal income tax refund offset program to collect past-due child support for children in never-TANF cases who are no longer minors, and made other changes to the prioritization of debts under Section 6502(c) of the Internal Revenue Code (26 U.S.C. §6502);
- authorized the HHS Secretary to compare information of noncustodial parents who owe past-due child support with information maintained by insurers (i.e., regarding insurance claims, settlements, awards, and payments) and to furnish any information resulting from a match to CSE agencies so that they can pursue child support arrearages;
- allowed an assisting state to establish a CSE interstate case based on another state's request for assistance (thereby enabling an assisting state to use the CSE statewide automated data processing and information retrieval system for interstate cases);

⁸² Alternatively, states could choose, pursuant to amendments to Sections 454(34) and 457 of the SSA, to continue to apply some of the distribution rules that were in effect immediately prior to the enactment of the DRA. For support collected via the tax refund offset, states that opted for the new DRA distribution rules would distribute those collections in the same way as other support for former-assistance cases, distributing it first as current support, then to family arrears, and finally to state-owed arrears. For states opting for the old distribution rules, federal offset payments would first be applied to state-owed arrears, and then to arrears owed to the family. (Under the old distribution rules in Section 457(a)(2)(B)(IV), this enforcement method could not be used to collect current support. The DRA repealed this provision, but it would still apply to states opting for the old distribution rules.)

⁸³ The DRA amended Section 408(a)(3) of the SSA to eliminate the assignment of pre-assistance arrearages in new assistance cases, but left it up to the states to decide whether to discontinue older assignments. For further information about how various scenarios under these distribution rules were implemented after the enactment of the DRA, see HHS, OCSE, *Assignment and Distribution of Child Support Under Sections 408(a)(3) and 457 of the Social Security Act*, AT-07-05, July 11, 2007, <https://www.acf.hhs.gov/css/policy-guidance/assignment-and-distribution-child-support-under-sections-408a3-and-457-social>; and HHS, OCSE, *Instructions for the Distribution of Child Support Under Section 457 of the Social Security Act*, AT-97-17, October 21, 1997, <https://www.acf.hhs.gov/css/policy-guidance/instructions-distribution-child-support-under-section-457-social-security-act>.

- required states to review and, if appropriate, adjust child support orders of TANF families every three years;
- required that medical care support for a child be provided by either or both parents (and provided that the medical support requirements could be enforced against the custodial parent if health care coverage is available to that parent at reasonable cost); and
- repealed the expiration of the 1% technical assistance and 2% FPLS funding for the program.

Returned Americans Protection Act of 2006

P.L. 109-250, the Returned Americans Protection Act of 2006, granted access to data in the NDNH to the state agencies that administer the Food Stamp program for the purposes of administering that program. (P.L. 110-246, enacted in June 2008, changed the Food Stamp program references to the Supplemental Nutrition Assistance Program [SNAP].)

2007

Dr. James Allen Veteran Vision Equity Act of 2007

P.L. 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007, allowed the Secretary of Veterans Affairs to access data in the NDNH to obtain information on individuals applying for certain veteran benefits and services. This authority initially expired on September 30, 2011.⁸⁴

2008

Fostering Connections to Success and Increasing Adoptions Act of 2008

P.L. 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008, added the child welfare programs authorized in Title IV-B and Title IV-E of the SSA to the list of programs that have access to the NDNH and other FPLS databases. This changed effectively allowed state child welfare agencies to include requests for locate services for information about relatives of children served by the child welfare system; as opposed to prior authority, enacted in 1997, which only permitted use of locate services for individuals known, or alleged, to have parental rights to the children. This broader access was consistent with the law's goal of identifying relatives as placement resources for children served by state child welfare agencies.⁸⁵

⁸⁴ P.L. 110-157 terminated the New Hires Directory comparison authority for the Secretary of Veterans Affairs at the end of FY2011 (i.e., September 30, 2011). P.L. 112-37 (enacted in October 2011) extended the termination date to November 18, 2011. During the period from November 19, 2011, through September 29, 2013, the provision was not in effect. The Department of Veterans Affairs Expiring Authorities Act of 2013 (P.L. 113-37) made the provision effective beginning September 30, 2013, and for 180 days thereafter.

⁸⁵ 45 C.F.R. §302.35(d)(2); and HHS, ACF, Children's Bureau/OCSE, *Request for Locate Services, Referrals, and Electronic Interface between Child Welfare and Child Support Information Services*, ACYF-CB-IM-12-06 and OCSE-IM-12-02, August 1, 2012. Guidance issued in 2007, before enactment of P.L. 110-351, suggested the locate information concerning noncustodial parents *might* provide leads that would allow child welfare agencies to identify other (nonparental) relatives of the child but direct queries on those other relatives were not allowed. This guidance (ACYF-CB-IM-07-06 and OCSE-IM-07-06) has been superseded.

2009

American Recovery and Reinvestment Act of 2009

P.L. 111-5, the American Recovery and Reinvestment Act of 2009, temporarily reinstated federal financial participation for child support incentive payments for FY2009 and FY2010.

2010

Claims Resolution Act of 2010

P.L. 111-291, the Claims Resolution Act of 2010, added a requirement that employers report to the NDNH the first day that a newly hired employee performs remunerated services for the employer.

2011

Trade Adjustment Assistance Extension Act of 2011

P.L. 112-40 (Title II), the Trade Adjustment Assistance Extension Act of 2011, added a definition of *newly hired employee* for the purposes of the NDNH to include both employees who had not previously been employed by the employer and certain rehired employees.

2013

Department of Veterans Affairs Expiring Authorities Act of 2013

P.L. 113-37, Department of Veterans Affairs Expiring Authorities Act of 2013, included provisions renewing the authority of the Secretary of Veterans Affairs to access the NDNH to obtain information on individuals applying for certain veteran benefits and services. The relevant authorities were to be in effect as of the date of enactment (September 30, 2013) and end 180 days later.

2014

Preventing Sex Trafficking and Strengthening Families Act

P.L. 113-183, the Preventing Sex Trafficking and Strengthening Families Act, included several CSE provisions. In order to standardize and streamline the enforcement of child support in international cases, it (1) required the HHS Secretary to use the authorities provided by law to ensure the compliance of the United States with any multilateral child support convention/treaty to which the United States is a party; (2) amended federal law so that the federal income tax refund offset program is available for use by a state to handle CSE requests from foreign reciprocating countries and foreign treaty countries and made related amendments to allow access to the FPLS and NDNH databases; (3) required states to adopt the 2008 amendments to UIFSA verbatim to ensure uniformity of procedures, requirements, and reporting forms; and (4) clarified which state court has controlling jurisdiction in establishing, enforcing, and modifying child support orders.

The law provided Indian tribes or tribal organizations access to the FPLS by designating them as “authorized persons.” (This did not include authority to access taxpayer data within the system.) It also allowed Indian tribes or tribal organizations that operated a CSE program to be considered a state for purposes of authority to conduct an experimental pilot or demonstration project under the SSA Section 1115 waiver authority to assist in promoting the objectives of the CSE program.

The law also included a Sense of the Congress statement specifying that (1) establishing parenting time arrangements (also known as *visitation*) when obtaining child support orders was an important goal that should be accompanied by strong family violence safeguards; and (2) states should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants (§469B of the SSA), and Healthy Marriage Promotion and Responsible Fatherhood Grants (§403(a)(2) of the SSA).

It required data standardization within the CSE program to improve the ability of two or more systems or entities to exchange information and to correctly use the information exchanged. Also, it required the HHS Secretary, in conjunction with developing the CSE strategic plan, to review and provide recommendations for cost-effective improvements to the CSE program and a variety of best practices related to, for example, enforcement methods, parenting time/visitation, services for parents (including employment support), and international enforcement (including passport restrictions). In addition, it required all states to use electronic processing of automated systems for the collection and disbursement of child support payments via the SDU. This was to occur by electronically submitting child support orders and notices to employers (for income withholding purposes) using uniform formats prescribed by the HHS Secretary and, at the option of the employer, using the electronic transmission methods prescribed by the HHS Secretary.

2018

Bipartisan Budget Act of 2018

P.L. 115-123, The Bipartisan Budget Act of 2018, included provisions that increased the annual CSE user fee from \$25 to \$35. For cases to which the fee applies, it increased the threshold for the fee from \$500 to \$550 in annual child support collections on the case.

2021

Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020

P.L. 116-315, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, included provisions that authorized the Secretaries of Labor and Veterans Affairs to access the NDNH for purposes of tracking employment of veterans.

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