



Overview of Child Support Enforcement (CSE) Access to Taxpayer Data and Recent Law (Title II of P.L. 118-258)

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The Supporting America's Children and Families Act (P.L. 118-258) was enacted on January 4, 2025. Title II of the law, which passed the House on September 18, 2024, 405-10, and was approved in the Senate by unanimous consent on December 21, 2024, intends to enable tribal Child Support Enforcement (CSE) programs to have access to federal tax information comparable to that of state and local CSE programs. The new law also allows contractors of state, local, and tribal CSE agencies to have access to federal tax information comparable to that of CSE agency employees.

Previous legislative versions of Title II were ordered to be reported from the House Ways and Means Committee [H.R. 7906, as amended, on July 24, 2024], and introduced in the Senate [S. 3154, on October 26, 2023]. [CBO scored](#) the ordered to be reported version of H.R. 7906 as reducing direct spending by \$777 million between FY2024 and FY2034. Similar legislation, S. 534, was passed by the Senate in the 117th Congress, but received no further congressional action.

CSE Program Overview

All 50 states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and 60 tribal nations [operate CSE programs](#) pursuant to [Title IV-D of the Social Security Act \(SSA\)](#). The program is federally administered by the Office of Child Support Enforcement (OCSE) in the [Administration for Children and Families](#) (Department of Health and Human Services). Program services include [parent location](#), the initial [establishment](#) and [review and modification](#) of child support orders, the [collection and distribution](#) of child support payments, and the [establishment and enforcement of medical support](#). CSE is estimated to handle [the majority of all child support cases](#); the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between parents. In FY2022, the program was estimated to serve [12.8 million children](#) (comprising about 19% of all children in the United States) and collected an estimated [\\$27 billion in child support](#), of which about [\\$8 billion](#) was for obligations that were past-due (*arrears*). The amount of arrears paid represents about 8% of the [\\$114 billion](#) in cumulative arrears owed to cases enforced by the program.

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CSE Access to and Use of Federal Tax Data

Certain CSE services are supported via the exchange of federal tax data. For instance, such data are exchanged with state and local CSE agencies to locate noncustodial parents ([via external locate requests](#)) and to [verify annual wages earned](#), generally for the purposes of establishing or modifying a [support order](#). Tax data are also exchanged with state and local programs as part of the [Federal Tax Refund Offset Program](#) (FOP), which withholds past-due support from federal income tax refunds before they are issued. The FOP is authorized in [SSA Section 464](#), and [Internal Revenue Code \(IRC\) Section 6402\(c\)](#), and operates through a partnership between OCSE and the [Department of the Treasury](#).

The sharing of data used by FOP, and for other specified purposes, is generally governed by [IRC Section 6103](#). Under IRC Section 6103(l)(6), the IRS may disclose to federal, state, and local child support enforcement agencies, if requested, specific tax data on any individual with respect to whom child support obligations are sought to be established or enforced, or any individual owed child support, for the specified use of establishing or collecting those child support obligations, or locating that individual. Information that may be disclosed includes social security numbers (SSNs), addresses, tax filing statuses, amounts and nature of income, and the number of dependents reported on returns filed by the person from whom child support obligations are sought, and returns filed with respect to such person or the person to whom the obligation is owed. Prior to the enactment of P.L. 118-258, however, only some of these data (i.e., SSNs, addresses, offset amounts) were permitted to be disclosed to *contractors* of federal, state, and local child support agencies for the purposes of child support enforcement.

IRC Section 6103(l)(10) also allows employees of federal, state, and local child support agencies to have access to the amount of child support offset under [IRC Section 6402\(c\)](#).

In addition, certain tax data disclosed from the IRS to the Social Security Administration for administering social security programs may be re-disclosed to federal, state, and local child support enforcement agencies for child support enforcement purposes under IRC Section 6103(l)(8). This includes data on SSNs, net-earnings from self-employment, wages, and certain amounts of retirement income.

Failure to follow the law regarding the disclosure of taxpayer information may subject employees and contractors of state and local child support agencies to penalties. (Security guidelines for federal, state, and local agencies using these data can be found in [IRS Publication 1075](#).)

Prior to the enactment of P.L. 118-258, tribal child support programs were not explicitly allowed by the IRC to have access to any of the information described above. Instead, these tribal programs [were required to contract with a state IV-D entity](#) to have limited data re-disclosed to them.

Summary of Title II of P.L. 118-258

Title II of P.L. 118-258 amends SSA Section 464 to explicitly provide that the FOP authorities apply to tribal IV-D programs. (A related technical amendment to [SSA Section 453\(g\)](#) allows federal reimbursement to tribal programs for the costs of the information exchange.) The law also amends IRC Sections 6103 and 6402(c) to allow tribal IV-D programs access to taxpayer data governed by those sections on par with the access given to federal, state, and local child support agencies. And it removes from IRC Section 6103(l)(6)(B) the enumerated categories of taxpayer data that may be disclosed to IV-D agency contractors while expressly applying the safeguard requirements in Section 6103(p)(4) to taxpayer data shared with state, tribal, and local child support enforcement agencies and their contractors. This effectively allows contractors of all IV-D agencies to have the same access to data as employees of these agencies.

In order to have direct access to the CSE locate, establishment, and enforcement tools that utilize taxpayer data, tribal programs need to demonstrate their ability to comply with applicable federal safeguards described in IRC Section 6103(p)(4). Failure to follow the law regarding the disclosure of taxpayer information may subject employees and contractors of tribal child support agencies to the same penalties as employees and contractors of state and local child support agencies.

Author Information

Jessica Tollestrup
Specialist in Social Policy

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