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## Parenting Time Agreements and Child Support

A [noncustodial parent's](#) right to see their children is commonly referred to as [visitation or child access](#). *Parenting time agreements* are one way of effectuating this right by specifying the time the child will spend with each parent, [usually by deciding issues such as the regular schedule, vacations, and holidays](#). In the case of parents who were previously married to each other, parenting time (visitation) typically is decided as part of divorce proceedings. For parents never married to each other, parenting time may be resolved informally or through legal proceedings. There is no requirement that parenting time be legally determined prior to a court or administrative body ordering child support, although [most states \(as of 2015\)](#) accounted for the time a child will reside with each parent in their calculation of the support order. [As of 2016, less than 30% of all noncustodial parents](#) were reported to have legally binding parenting time agreements.

The Child Support Enforcement (CSE) program (sometimes referred to as the Child Support Services program) has historically only been indirectly involved in parenting time, both through its role in child support order establishment and its Access and Visitation grant program, although recent policy evaluations have explored greater CSE involvement. This In Focus provides background on the CSE program, parenting time, and child support-related issues. It concludes with a summary of selected recent legislation addressing this issue.

### CSE Program Overview

The [CSE program](#) was enacted in 1975 as a federal-state program in [Title IV-D of the Social Security Act \(SSA\)](#). All [50 states, the District of Columbia \(DC\), Guam, Puerto Rico, the U.S. Virgin Islands, and 63 tribal nations](#) operate IV-D CSE programs. The program provides services on behalf of children that 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](#). The majority of all child support cases are [estimated](#) to be handled by the CSE program; the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between the parents.

The bulk of [IV-D CSE program funding](#) is from federal matching funds, which provide a partial reimbursement for every dollar a state, territorial, or tribal IV-D CSE program spends on eligible CSE expenditures. Another major source of IV-D CSE funding is [incentive funds](#) paid to the state, DC, and territorial programs (hereinafter, with regard to incentive funds, “state programs”). [SSA Section 458\(f\)](#) requires state programs to [reinvest](#) incentive funds by expending them on activities also eligible for federal

matching funds. It also allows states to request an Office of Child Support Enforcement (OCSE) [exemption](#) to allow incentive funds to be spent on approved activities that are not eligible for federal matching funds but “may contribute to improving the effectiveness or efficacy” of that program.

### Parenting Time

Generally, jurisdictions may take [any of several different approaches](#) to determining parenting time. A jurisdiction that uses *standard parenting time presumptions* would have in effect a default legal framework providing a parenting time schedule in the absence of an alternative plan agreed to by the parents or decided by the court. *Self-help resources* may be provided to parents on court websites or other avenues to allow them to independently develop a plan that can be subsequently approved by the court. *Mediation and facilitation* may be offered to parents to help them customize the approach they will take.

### Guidelines

Generally, state statutes tend to require that parenting time be decided according to the best interest of the child based on general criteria (e.g., the emotional ties between the child and other family members, any history of family violence, the preference of the primary caregiver). Only a handful of states have formal guidelines with default time frames for child access. For example, [Texas's family law](#) provides differing scheduling guidelines for standard parenting time orders based on how far apart the parents reside, which are specific as to weekly schedules. [South Dakota's](#) guidelines depend on both distance and the age of the child. [Indiana's guidelines](#) also depend on age and distance, but provide only general guidance as to the number of hours and weeks per year of parenting time.

### Family Violence

There is [general agreement](#) that family violence issues must be adequately screened and accounted for prior to a parenting time order being adopted. Although many state statutes on child custody or parenting time do not directly address family violence screening processes, the [Center for Policy Research](#) found that courts in practice identify family violence by questioning parents about prior acts of domestic violence, inquiring about potential safety concerns, and searching for records of protection orders against either parent. Family violence screenings can occur when parents first express interest in establishing a parenting time order, before mediation, and any time a parent requests to modify an existing parenting time order.

In addition to screening, family violence concerns can be addressed by training court personnel on how to identify and respond to domestic violence. For example, [Maryland's family law statute](#) requires this training be provided to

judges and magistrates, [Oregon](#) requires such training for court-appointed custody and parenting time mediators, and [Michigan law](#) directs that domestic violence training be provided through the [Friend of the Court](#) program.

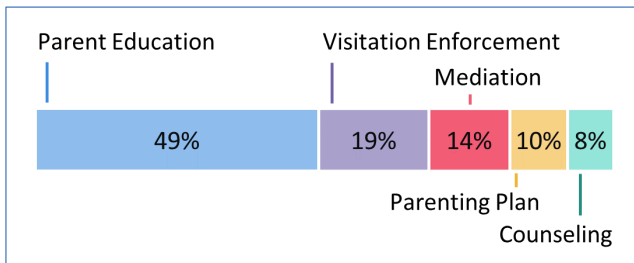
## Child Support-Related Issues

[Historically](#), federal law has usually treated child support and child access as separate issues. IV-D federal matching funds are unavailable to reimburse costs to assist with parenting time orders, and the use of incentive funds requires that an [exemption](#) be sought by a state program and granted by OCSE. Over the past few decades, the CSE Access and Visitation Grant program, various CSE-led evaluations of parenting time, and other research efforts have provided opportunities to explore connections between child access and child support.

### Access and Visitation (AV) Grants

The CSE [AV Grants](#) ([SSA §469B](#)) provide \$10 million each fiscal year for activities such as [mediation, counseling, education, development of parenting plans, and visitation enforcement](#). These funds are distributed to the 50 states, DC, Guam, Puerto Rico, and the U.S. Virgin Islands, based on the ratio of children living with only one biological parent to the total number of children. In [FY2022](#), 66,461 parents participated in this program, with parent education being the most frequently provided service (49% of program participants). More than three-quarters of all noncustodial parents served by the program reported an increase in parenting time.

**Figure 1. Percentage of Participants in AV Grant Program Activities**



Source: [HHS, OCSS, FY2022 Access and Visitation Grant Program Update, p. 3.](#)

### Parenting Time Opportunities for Children (PTOC)

PTOC was an OCSE multistate pilot program that evaluated how CSE agencies could integrate processes for establishing child support orders and parenting time agreements with sufficient family violence safeguards, and the effects of those agreements on family relationships and child support. According to the [2019 OCSE research brief on PTOC](#), “parents appreciate the opportunity to address parenting time and feel that it increases the fairness of child support. Furthermore, PTOC appears to help some parents with improved relationships, more time with their children, and some small increases in child support compliance.” Sites also reported that it was inexpensive to implement parenting time agreements alongside child support orders.

With regard to family violence concerns, PTOC sites reported that the inclusion of a family violence assessment in the case selection and establishment process helped CSE staff identify victims and refer them to domestic violence victim services. Overall, more than one-third of the parents selected for PTOC reported experiencing domestic violence involving the other parent. All sites decided to expand domestic violence screening to all child support cases, not just those selected for PTOC. Pilot sites also partnered with local domestic violence organizations to improve their domestic violence protocols.

### Research

Researchers have found that a nonresident father’s involvement in their child’s life during [early](#) and [middle childhood](#) is associated with fewer behavioral problems during adolescence. However, the relationship between child access and the payment of child support has not been consistently established. For example, a 2006 [evaluation](#) of AV grants found evidence that contact between a child and the noncustodial parent can make it more likely that child support responsibilities will be met, whereas [a study of a broader child support population](#) conducted around the same time had mixed results. A more recent [study](#) found that granting the nonresident parent joint legal custody increases both the likelihood of child support payments and the amount paid. However, as noted, the previously evaluation found only small increases in child support compliance.

### Recent Legislation

P.L. 113-183 (§303) included a Sense of the Congress that (1) establishing parenting time arrangements when obtaining child support orders is 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 incentive funds, AV Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

The PARENTS Act of 2021 (S. 503) passed the Senate in the 117<sup>th</sup> Congress by a voice vote on July 27, 2021, but received no further action. This proposal would have allowed state IV-D programs to expend their [incentive funds](#) on certain parenting time-related activities without the need to apply for and receive an OCSE [exemption](#). Specifically, these funds could have been used to “develop, implement, and evaluate procedures” for establishing a parenting time agreement concurrently with an initial or modified child support order or medical support order. Allowable uses of these funds would have included procedures to carry out parenting time agreements made prior to the establishment or modification of support orders. Incentive funds would only have been available (without an exemption) for agreements not contested by either parent.

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