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PRWORA at 30: Child Support Enforcement

This report provides an overview of the Child Support Enforcement (CSE) program's development and current congressional issues. It is part of a series of CRS reports that focus on changes in programs affecting low-income children in light of the upcoming 30-year anniversary of enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193).

The CSE program serves about one in six (17%) of U.S. children as of FY2024. Though the program is financed in part by the federal government and is subject to federal rules and regulations, it is operated and partially financed by the states. 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, 63 tribal nations operate CSE programs. At the federal level, the CSE program is administered by the Office of Child Support Enforcement (OCSE), which is in the Department of Health and Human Services' (HHS') Administration for Children and Families (ACF).

The CSE program was enacted in 1975 as a federal-state program (established in Title IV-D of the Social Security Act [SSA] by P.L. 93-647). 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. 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 their families to remain off public assistance.

In the early years of the legislative expansion of the CSE program, many laws focused on increasing CSE program tools that would help hold parents accountable for financially taking care of their children. The mission of the program was gradually broadened beyond recouping the cost of cash assistance to providing services for both families that receive cash assistance and those that do not. At the same time, the role of the CSE program for cash assistance families began to encompass providing income support for those families by distributing to them some of the child support that was collected on their behalf (i.e., a pass through of \$50 of such support).

In the 1990s, many years of state experimentation with CSE mechanisms intersected with broader congressional interest in welfare reform, and culminated in the enactment of PRWORA. The law made numerous changes aimed at strengthening child support establishment and enforcement authorities that would apply to all families. With regard to distribution rules, PRWORA eliminated the requirement that the first \$50 in child support collections on behalf of current cash assistance families (now provided through the TANF program) be passed through. This meant that those collections would instead be retained by the state and federal government to reimburse the cost of TANF cash assistance payments. At the same time, to encourage families who were no longer receiving cash assistance to continue to be financially self-sufficient, PRWORA also revised the distribution rules to prioritize distributing to those families the past-due support owed to them.

In the 30 years since PRWORA's enactment, the legislative changes made to the CSE program (both enacted and proposed) generally have sought to build on that law's framework of establishment, collections, and enforcement tools. The Deficit Reduction Act of 2005 (DRA; P.L. 109-171) again revisited distribution rules with the intent of providing current TANF families with greater financial stability. Specifically, states were generally provided the option to pass through up to \$100 (one child) or \$200 (two or more children) of child support a month collected on behalf of current TANF families. Multiple laws have also sought to expand access to certain child support data to non-CSE programs, including to verify program eligibility and prevent or end improper payments. The most recent law to make changes to the CSE program, the Supporting America's Children and Families Act (P.L. 118-258), addressed federal tax information access for both tribal CSE agencies and the contractors of state, local, and tribal CSE agencies.

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The Child Support Enforcement (CSE) program was enacted in 1975 as a federal-state program (established in Title IV-D of the Social Security Act [SSA] by P.L. 93-647).¹ 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.² 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 their families to remain off public assistance.

The laws enacted since the CSE program's inception have broadened its mission beyond recouping the cost of cash assistance to providing services for both families that receive cash assistance and those that do not. In the 1990s, many years of state experimentation with CSE mechanisms intersected with broader congressional interest in welfare reform and culminated in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193). PRWORA made numerous changes to establishment and enforcement authorities that were aimed at strengthening the ability of the program to collect child support, and at distributing more child support directly to families who were no longer receiving cash assistance.³ In the 30 years since PRWORA, additional changes to Title IV-D have included expansions to enforcement methods, changes to program funding, and further alterations to how child support is distributed.

The program served about one in six (17%) of U.S. children in FY2024, the most recent fiscal year for which data are available.⁴ Though the program is financed in part by the federal government and subject to federal rules and regulations, it is operated and partially financed by the states. 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.⁵ In addition, 63 tribal nations operate CSE programs. At the federal level, the CSE program is administered by the Office of Child Support Enforcement (OCSE), which is in the U.S. Department of Health and Human Services' (HHS') Administration for Children and Families (ACF).

This report provides an overview of the CSE program's development and related current congressional issues. It is part of a series of CRS reports that focus on changes in programs affecting low-income children in light of the upcoming 30-year anniversary of PRWORA's enactment. After a brief overview of the CSE program, it summarizes the major laws enacted

¹ See §§451-469B of the SSA (42 U.S.C. §§651-669b). Federal regulations can be found at 45 C.F.R. Parts 301.0-310.40.

² For further information on TANF, see CRS Report R48413, *Temporary Assistance for Needy Families (TANF) Block Grant: A Primer*.

³ U.S. Department of Health and Human Services (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>.

⁴ Federal Interagency Forum on Child and Family Statistics, *Child Population: Number of children (in millions) ages 0–17 in the United States by age, 1950–2022 and projected 2023–2050*, <https://www.childstats.gov/americaschildren/tables/pop1.asp>; and HHS, Office of Child Support Enforcement (OCSE), *FY2024 Preliminary Data Report and Tables*, <https://acf.gov/css/policy-guidance/fy-2024-preliminary-data-report-and-tables>. (Unless otherwise noted, all FY2024 data are from the *FY2024 Preliminary Data Report and Tables*.)

⁵ For the purposes of the Title IV-D program, Section 1101(a)(1) of the SSA defines "state" as including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa. This report generally includes these jurisdictions when it refers to "states."

since its inception, with a focus on the changes made by PRWORA; and it concludes with selected issues for Congress. The other reports in the series are the following:

- CRS In Focus IF13261, *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*
- CRS Report R49012, *PRWORA at 30: TANF*
- CRS Report R49013, *PRWORA at 30: Child Care*
- CRS Report R49011, *PRWORA at 30: SSI for Children with Disabilities*

The CSE Program Today⁶

Title IV-D of the SSA places detailed requirements on state CSE programs with regard to services they must provide on behalf of children and related procedures for (1) locating absent/noncustodial parents; (2) establishing paternity; (3) establishing, reviewing, and modifying child support orders; (4) collecting and distributing support payments; and (5) establishing and enforcing medical support.

A state can attempt to locate a noncustodial parent both through information provided by the custodial parent and by searching automated child support systems. The Federal Parent Locator Service (FPLS) is an assembly of data from state systems (e.g., State Child Support Case Registries and State Directories of New Hires [SDNHs]) operated by OCSE. Within the FPLS is the National Directory of New Hires (NDNH), which contains data from the SDNH systems on (1) all newly hired and rehired employees, (2) the quarterly wage reports of existing employees (in Unemployment Insurance [UI]-covered employment), and (3) UI applications and claims. The NDNH was originally established to help with interstate enforcement, but the authority to access the NDNH has been extended to several additional programs and agencies to, for example, verify program eligibility and prevent or end improper payments.⁷

States must have procedures to establish paternity for all children under age 18. For 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 before child support is ordered. All parties must submit to genetic testing for contested cases.

States must develop guidelines for establishing and modifying child support orders. Guidelines are rules that are used to determine the amount of the support order. They often take account of factors such as the income level of one or both parents, the number of children, and how parenting time is divided.

Income withholding is responsible for most child support that is collected by state CSE programs (71% in FY2024). Additional collections methods include the intercept of federal and state income tax refunds, the intercept of unemployment compensation, liens against property, reporting child support obligations to credit bureaus, the intercept of insurance settlements, and the seizure of assets held by public or private retirement funds and financial institutions. In cases of past-due support, states also must provide for the withholding or suspending of driver's licenses, professional licenses, and recreational and sporting licenses; and federal law also

⁶ A more detailed overview of the CSE program is provided by CRS Report RS22380, *Child Support Enforcement: Program Basics*.

⁷ The FPLS is authorized by SSA Section 453. For further information, see CRS Report RS22889, *The National Directory of New Hires: An Overview*.

provides for the denial, revocation, or restriction of passports. All CSE jurisdictions must have civil or criminal contempt-of-court procedures and criminal nonsupport laws.⁸ In practice, states may also elect to adopt additional enforcement methods not mandated by the federal government (e.g., intercept of gaming and lottery winnings).

All states have centralized automated State Collection and Disbursement Units to accept and distribute child support payments. State Collection and Disbursement Units provide employers with a single location in each state to send the withheld child support payments. They also generate orders and notices of withholding to employers and create and maintain records of child support payments.

CSE Program Financing

Federal support for the CSE program is provided through mandatory spending enacted in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act each fiscal year.

For FY2024, total estimated CSE administrative expenditures (excluding incentive payments) were \$6.6 billion, of which \$4.0 billion was the federal share and \$2.6 billion was the state share. The FY2024 cost effectiveness ratio was \$4.24: for every \$1 of administrative expenditures, \$4.24 of support was collected.

There are five primary federal funding streams to the states associated with the CSE program:

- federal reimbursement to each state program of 66% of all allowable expenditures, which is open-ended (i.e., no upper limit or ceiling by matching the amounts spent by state and local governments);⁹
- incentive payments to states based on paternity and order establishment, current and past-due support collections, and cost-effectiveness, limited to a set dollar amount with annual increases for inflation (an estimated total of \$532 million for FY2023 [the most recent data available]);
- TANF cash assistance retained by the states (an estimated total of \$356 million for FY2024) and the federal government (an estimated total of \$452 million for FY2024);
- fees charged by the states (e.g., application fees, annual user fees, genetic testing fees), as well as the option to recover administrative costs in excess of those fees; and
- Access and Visitation Program grant funds (\$10 million total each fiscal year).

Distribution of Child Support

Once child support is collected, federal law applies distribution rules to three categories of families: those who are currently receiving Temporary Assistance for Needy Families (TANF) cash assistance, those who formerly received TANF cash assistance, and those who never

⁸ Federal criminal penalties may be imposed in certain cases under 18 U.S.C. §228. According to the HHS Office of Inspector General (OIG), investigations of these cases fall to state CSE agencies, OCSE, the OIG, and the U.S. Department of Justice (DOJ), but DOJ makes the ultimate decision about prosecution (see <https://oig.hhs.gov/fraud/child-support-enforcement/about/>).

⁹ In contrast, the CSE program provides tribal IV-D programs direct federal funding equal to 100% of allowable expenditures.

received TANF assistance.¹⁰ A family who is currently receiving TANF cash assistance must, as a condition of receiving those benefits, cooperate with their state CSE program in its efforts to establish and enforce an order for that family. The family must also assign (i.e., legally turn over) its child support rights to the state to reimburse the state and federal government for the cost of the benefits. In general, states and the federal government retain any current support and any assigned arrearages (i.e., past-due child support) collected up to the cumulative amount of TANF benefits paid to the family. While states may opt to pass through (i.e., pay) to the family some or all of the state share of the child support (thereby forgoing its share of those collections), they generally still must pay the federal government its share of child support collected on behalf of that family. To help states pay for the cost of their CSE pass-through policies, federal law waives the federal government's share of child support collections that are passed through by states, up to \$100 per month for one child or up to \$200 per month for two or more children.¹¹ Based on May 2023 data, 26 states, the District of Columbia, and Puerto Rico have a CSE pass through policy; 24 states, Guam, and the U.S. Virgin Islands do not.¹²

With regard to a former TANF family, the state (with some exceptions) must prioritize paying to the family all current child support, any child support arrearages that accrue after the family leaves TANF, and any arrearages that accrued before the family began receiving TANF benefits. (Any child support arrearages that accrue during the time the family is on TANF belong to the state and federal governments.¹³)

Child support collections are fully distributed to families who have never received cash assistance.

State child welfare agencies are required to refer children receiving SSA Title IV-E foster care maintenance payments to the state CSE agency, where appropriate.¹⁴ The state CSE agency must collect support on behalf of these children and distribute it under rules specific to IV-E foster care.¹⁵ Support collected must first be used to reimburse the state and federal governments for the cost of providing those payments, and then may be used for the “best interests” of the child. Any remaining collections must be retained by the state (to the extent they represent past due obligations assigned to the state) to reimburse the state and federal governments for the cost of previous IV-E foster care payments. (This policy applies only to IV-E foster care and not state foster care.)

¹⁰ These IV-D distribution rules are in SSA Section 457(a)-(d). Similarly, families receiving Medicaid assistance must cooperate with CSE programs and assign their rights to medical support (SSA §1912). 7 U.S.C. §2015(l) also provides a state option to require CSE cooperation of families receiving Supplemental Nutrition Assistance Program (SNAP) benefits.

¹¹ The state also must disregard the passed-through payments as income for the purposes of determining TANF eligibility in order for the federal government to waive its share.

¹² National Conference of State Legislatures, *Child Support Pass-Through and Disregard Policies for Public Assistance Recipients*, May 30, 2023, <https://www.ncsl.org/human-services/child-support-pass-through-and-disregard-policies-for-public-assistance-recipients>.

¹³ The Deficit Reduction Act of 2005 (DRA; P.L. 109-171) gave states the option of distributing to former TANF families the full amount of child support collected on their behalf (i.e., both current support and all child support arrearages).

¹⁴ SSA §471.

¹⁵ SSA §§454, 457(e).

Major Legislative Developments in the CSE Program

In the CSE program's early years, policymakers had a high degree of legislative interest in it and enacted amendments to it in almost every Congress. In the 1990s, these ongoing legislative efforts culminated with the enactment of PRWORA. In the 30 years since PRWORA, the legislative changes made to the CSE program have tended to be more sporadic, and have focused on modifying existing program requirements and funding streams. The most recent lawmaking changes to the program were in the Supporting America's Children and Families Act (P.L. 118-258), which addressed access to federal tax information by tribal CSE programs and contractors of state, local, and tribal CSE agencies. (The more than 50 laws making changes to Title IV-D enacted since the CSE program's inception are detailed in CRS Report R47630, *The Child Support Enforcement Program: Summary of Laws Enacted Since 1950*.)

Before PRWORA

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 (then AFDC) 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 AFDC 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. In addition to the cash assistance collections retained by the state and federal governments, the law created an incentive system to encourage states to collect payments from parents of children on AFDC. It also established "federal financial participation" for state costs in carrying out their CSE programs, which was an amount equal to a percentage of the total amount expended by the state on CSE expenditures.¹⁶

In subsequent years, there was wide support within Congress for enacting additional federal laws that would help hold parents accountable for financially taking care of their children.¹⁷ These laws included provisions increasing the enforcement tools available to the program, which at first were primarily contempt of court proceedings and federal tax offset, and transitioning CSE toward greater automation. The laws also aimed at expanding the services offered to non-AFDC families to include those already offered to AFDC families. Two laws enacted during the 1980s made major changes across the program:

- The Child Support Enforcement Amendments of 1984 (P.L. 98-378) required that states enact statutes to improve enforcement, including mandatory income withholding procedures; state income tax refund interceptions for past-due support; liens for past-due support; laws allowing paternity actions any time prior to a child's 18th birthday; consumer reporting of child support arrears (e.g., credit bureaus); and that all mandatory CSE tools be available for all types of child

¹⁶ In the law establishing the CSE program, reimbursement of state expenditures on behalf of non-AFDC families (i.e., families that were not required to assign their child support rights to the state) were to be eliminated after June 30, 1976. After several temporary extensions of the non-AFDC federal financial participation, matching funds for those state expenditures were permanently extended by P.L. 96-272.

¹⁷ For instance, the Child Support Enforcement Amendments of 1984 (P.L. 98-378) was passed by the House and Senate unanimously at all stages of floor consideration.

support cases. The law also set up requirements for wage withholding and related procedures for employers and state programs. States were required to collect support on behalf of children receiving Title IV-E foster care maintenance payments, when referred.

- The Family Support Act of 1988 (P.L. 100-485) included procedures for order review and modification and statewide automation, and it created the U.S. Commission on Interstate Child Support to make recommendations to Congress on improving the CSE system.

The major recommendations of a 1992 report from the U.S. Commission on Interstate Child Support focused on further improvements to child support data and systems. Other recommendations included criminalizing nonsupport at the federal level and making changes to paternity establishment that would allow for voluntary acknowledgement at birth and for paternity to be determined as a civil proceeding. Many of the recommendations of the commission were implemented in the laws enacted over the next several years.¹⁸

PRWORA

When PRWORA was enacted, it contained nearly 50 changes to child support law. These changes occurred in the context of other alterations that PRWORA made to cash assistance, by replacing AFDC with TANF, with the goal of reducing the number of families receiving such assistance. The summary below generally explains these changes as they were organized in Title III.¹⁹ Some of the most significant changes to the CSE program related to how support for families would be distributed (Subtitle A of PRWORA). For current assistance families (who would now receive TANF), PRWORA eliminated a prior requirement that the first \$50 in child support collections on behalf of current assistance families be given to them (i.e., passed through), which meant that those \$50 in collections would instead be retained by the state. To encourage families who were no longer receiving cash assistance to continue to be financially self-sufficient, PRWORA also revised the rules for payments to former cash assistance families to a so-called “family first” policy, which paid to those families certain child support arrearage payments before the state and federal governments retained their share of collections.²⁰

Other changes to federal CSE program requirements made by PRWORA included the following:

- **Subtitle B—Locate and case tracking.** For example, requiring the establishment of state child support case registries and a centralized and automated State Collection and Disbursement Unit; requiring automated wage withholding; and new uses and capabilities for the systems in the FPLS, including the establishment of the NDNH.
- **Subtitle C—Streamlining and uniformity of procedures.** For example, requiring states to enact the Uniform Interstate Family Support Act, a new

¹⁸ See “Official Recommendations of the United States Commission on Interstate Child Support,” *Family Law Quarterly*, vol. 27, no. 1 (Spring 1993), pp. 31-84; and Jeff Ball, “How a ‘Blueprint for Reform’ Led to 20 Years of Program Improvement.” National Child Support Enforcement Association, https://www.ncea.org/documents/The_Interstate_Commission_20_Years_Later_FINAL1.pdf.

¹⁹ 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.

²⁰ These new rules did not apply to federal tax offset collections. For detail on PRWORA distribution of arrearages, see 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>.

- interstate law making various updates and clarifications to interstate enforcement; and requiring expedited state procedures to order genetic testing, obtain financial information on parents, obtain vital statistics and other official records, order income withholding, and secure assets to satisfy past-due child support.
- **Subtitle D—Paternity establishment.** For example, significant expansions and clarifications related to voluntary paternity establishment and contested cases.
 - **Subtitle E—Program administration and funding.** For example, requiring states to establish automated data systems, and enhanced federal funding for specified new automation requirements.
 - **Subtitle F—Establishment and modification of support orders.** For example, mandating reviews of child support orders on a three-year cycle, and more frequently with a “substantial change in circumstances.”
 - **Subtitle G—Enforcement of past-due support.** For example, requiring state procedures in cases of past due support, including to establish liens against property, and to withhold, suspend, or restrict the use of drivers’ licenses, professional and occupational licenses, and recreational licenses; data-matching with financial institutions to identify assets of individuals owing past-due child support; denial, revocation, or limitations on U.S. passports for more than \$5,000 in arrears; authorizing the HHS Secretary 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.** For example, requiring CSE-enforced orders to provide for health care coverage.
 - **Subtitle I—“Access and Visitation” grants.** Providing \$10 million annually for these formula grants to the states for purposes including mediation, counseling, education, development of parenting plans, and supervised visitation.

Since PRWORA

Since the enactment of PRWORA, additional amendments to Title IV-D have included expansions to enforcement methods, changes to program funding, and further alterations to child support distribution for cash assistance families.

The Child Support Performance and Incentive Act of 1998 (CSPIA; P.L. 105-200) was primarily focused on revising the prior incentive payment system into its current form.²¹ The new system was based on a percentage of the state’s collections on all types of CSE cases and incorporated five performance measures:

- paternity establishment percentage,
- establishment of child support orders,
- current payments,
- arrearage payments, and
- cost-effectiveness.

²¹ PRWORA had included a provision that required the HHS Secretary, in consultation with the state IV-D directors, to develop a revenue-neutral proposal for a new child support incentive system and report the details to Congress by March 1, 1997.

CSPIA required states to expend incentive payments on approved activities under that state's IV-D plan, or on other activities to improve the efficacy of the state's CSE program (as approved by the HHS Secretary). The amount of a state's incentive payment (out of a capped pool) would depend on its level of performance (or the rate of improvement relative to the previous year) compared with other states.²²

The Deficit Reduction Act of 2005 (DRA; P.L. 109-171) altered existing program funding streams 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. Significantly, DRA created new options and requirements for CSE distribution, in part to incentivize states to distribute more child support collections to current and former recipients of TANF benefits.

- For current TANF families, the law (with some exceptions) provided states the option to pass through up to \$100 (one child) or \$200 (two or more children) of child support a month to current TANF families, without paying the federal government its share of these collections. Child support payments to such families were to be disregarded in determining TANF eligibility and benefit levels.
- For former TANF families, states could opt for simplified distribution rules that required any amount of child support collected in excess of current support owed to be paid first to the family to the extent necessary to satisfy any support arrearages not assigned to the state and federal governments; any support paid in excess of that amount then would be applied to arrearages owed to the state and federal governments.²³ States could also choose to pass through any assigned arrears collected on behalf of former TANF families without the need to reimburse the federal government for its share of the collections (as long as the state share was also passed through), among other distribution changes.²⁴

During the past 30 years, multiple laws have also sought to expand access to data in the NDNH for non-CSE programs and purposes. The other authorized uses of these data include to verify program eligibility, prevent or end improper payments, collect overpayments or ensure that program benefits are properly paid, or conduct research. Entities that can access this information for specified purposes and subject to enumerated requirements include, for example, the Secretary of Education, to collect debt from individuals who have defaulted on student loans or owe an obligation to refund an overpayment of a grant, and to conduct analyses of student loan defaults (P.L. 106-113); State Workforce Agencies (SWAs), to administer unemployment compensation programs (P.L. 108-295); and the Secretary of Agriculture, to verify the income of individuals participating in certain enumerated U.S. Department of Agriculture (USDA) housing programs

²² For information on state performance under these incentive payment metrics, see Valerie H. Benson and Riley Webster, "The Child Support Performance and Incentive Act at 20: Examining Trends in State Performance," November 2018, <https://mefassociates.com/wordpress/wp-content/uploads/2018/12/CSPIA-ASPE-MEF-Brief.pdf>.

²³ Alternatively, states could choose to continue to apply some of the distribution rules that were in effect immediately prior to DRA's enactment. For support collected via the tax refund offset, states that opted for the new DRA rules would distribute those collections in the same way as other support for former-assistance cases. For states opting for the old rules, federal offset payments would be applied first to state-owed arrears, and then to arrears owed to the family.

²⁴ DRA amended Section 408(a)(3) of the SSA to eliminate the assignment of pre-assistance arrearages in new assistance cases, but discontinuing older assignments was a state option. For further information about how various scenarios under these distribution rules were implemented after the enactment of 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 to conduct analyses of the employment and income reporting of those individuals (P.L. 115-334).²⁵

The most recent law to make changes to the CSE program was P.L. 118-258. It sought to enable tribal CSE programs to have access to federal tax information (FTI) comparable to that of state and local CSE programs, and to allow contractors of state, local, and tribal CSE agencies to have access to FTI comparable to that of CSE agency employees.²⁶

Selected Issues for Congress²⁷

In 1996, PRWORA made major changes across the CSE program—from mechanisms for locating parents and enforcing support orders (including automated systems) to how support was to be distributed to cash assistance families. As the data presented below illustrates, the CSE program has generally increased its effectiveness in establishing orders and collecting certain categories of support since the enactment of PRWORA. However, the program has seen declines both in overall participation and the number of cash assistance families that participate. The amount of child support collected for cash assistance families also has declined.²⁸

In the 30 years since PRWORA’s enactment, the legislative changes made to the CSE program have generally sought to build on that law’s framework of establishment, collections, and enforcement tools. With regard to the distribution of support for cash assistance families, changes made by these laws, including PRWORA and DRA, have also addressed how support was to be distributed to cash assistance families as a means of providing those families greater financial stability. In the intervening years, policymakers have proposed CSE programmatic changes related to both these categories of issues.

CSE Program Tools

The CSE program affects millions of children and families in the United States. Though the number of children served by the program has declined in the past 25 years—in part due to declining birth rates nationwide—it served about one in six (17%) of U.S. children in FY2024.²⁹ The left panel of **Figure 1** illustrates for the period from FY1994-FY2024 the total number of IV-D cases compared to the number of IV-D cases with child support orders established. The right panel of **Figure 1** illustrates the number of IV-D cases with child support orders established compared to the number of those cases that received collections in a given fiscal year over the

²⁵ For a comprehensive list of NDNH access authorities, see Table 1 in CRS Report RS22889, *The National Directory of New Hires: An Overview*.

²⁶ For further information, see CRS Report R48503, *Child Welfare and Child Support: The Supporting America’s Children and Families Act (P.L. 118-258)*.

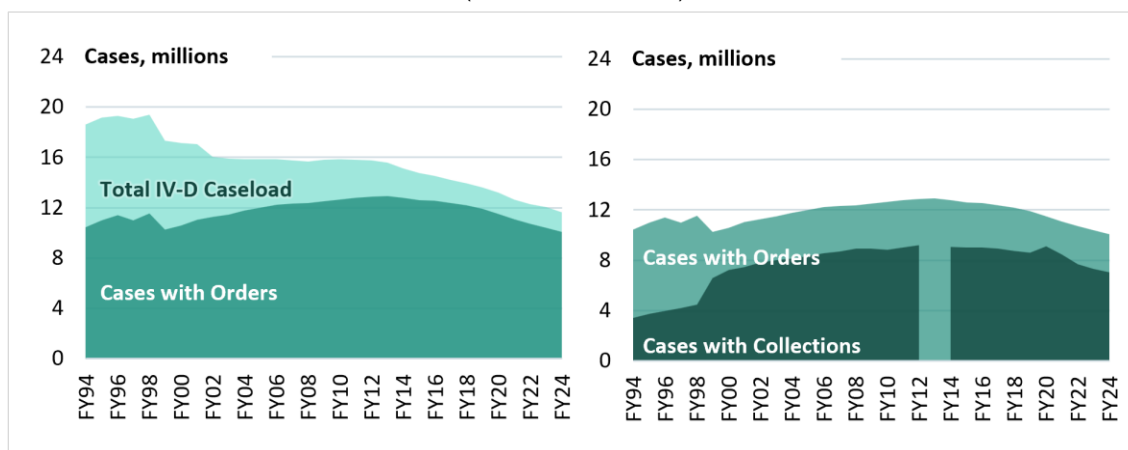
²⁷ This section presents data drawn from the OCSE *Annual Report to Congress* from various years and *FY 2024 Preliminary Data Report and Tables* on selected program trends that coincide with or follow the enactment of PRWORA. The variation in the periods covered by **Figure 1**, **Figure 2**, and **Figure 3** is due to changing performance metrics and other programmatic factors, which affect the consistency and reliability of some of the data. All data after FY2020 are preliminary estimates.

²⁸ The post-PRWORA trends in TANF cash assistance receipt and the share of eligible families participating in the program is discussed in CRS Report R49012, *PRWORA at 30: TANF*.

²⁹ Federal Interagency Forum on Child and Family Statistics, *Child population: Number of children (in millions) ages 0–17 in the United States by age, 1950–2022 and projected 2023–2050*, <https://www.childstats.gov/americaschildren/tables/pop1.asp>.

same period.³⁰ In FY1994, prior to the enactment of PRWORA, the CSE program had orders established for 56% of IV-D cases. In FY2024, orders were established for 86% of IV-D cases. In addition, 33% of those IV-D cases with orders established had collections in FY1994. In FY2024, 70% of cases with orders had collections. Of the major collections mechanisms available to the CSE program, wage withholding has consistently been the method responsible for the majority of child support collected in recent decades. However, due to enhancements to automated systems capabilities (including those mandated by PRWORA), wage withholding has grown from being responsible for 57% of collections in FY1995 to 71% of collections in FY2024.³¹

Figure 1. IV-D Child Support Caseload by Orders Established and Collections
(caseload in millions)



Source: CRS analysis of data in HHS, OCSE, *Annual Report to Congress*, for FY1994-FY2020, https://acf.gov/css/site_search?keyword=annual%20report%20to%20Congress; and HHS, OCSE, *FY 2024 Preliminary Data Report and Tables*, https://acf.gov/sites/default/files/documents/ocse/fy_2024_preliminary_report.pdf.

Notes: No data on cases with collections were reported for FY2013.

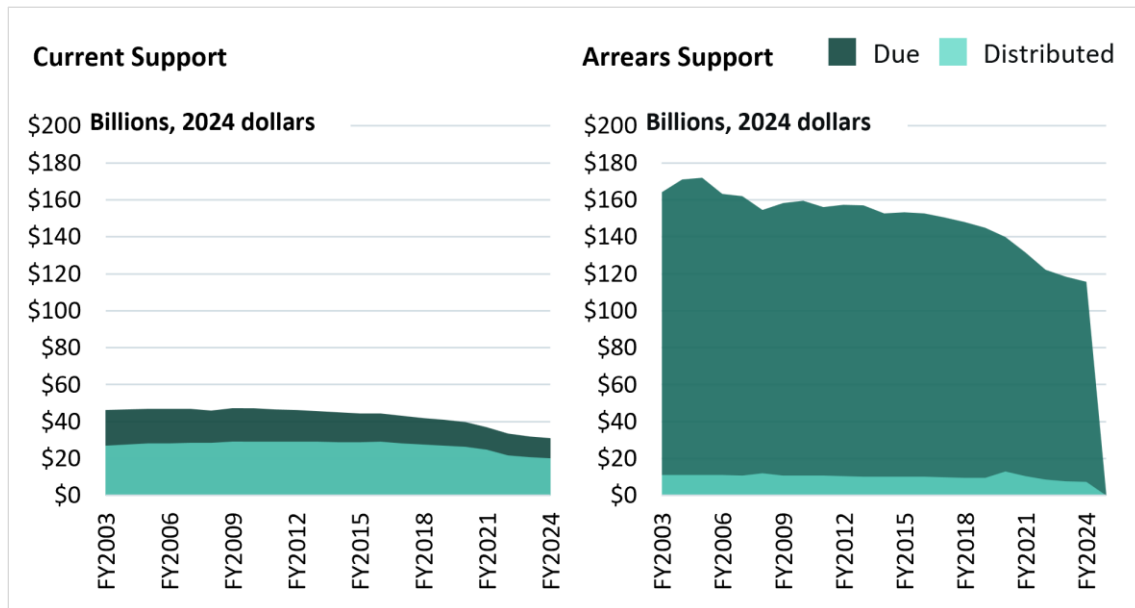
When looking at collections on current versus past-due support (arrearages) since FY2002 (**Figure 2**), program performance differs depending on the type of support. With regard to collections that are attributed to current support, 58% of support that was due was collected in FY2002. That percentage has increased in recent years, to 65% in FY2024. With regard to collections that are made on arrears that are owed to IV-D families, the CSE program has typically collected about 7% of total arrears for a given fiscal year (6% in FY2024). Of the major collections mechanisms available to the CSE program in FY2024, income withholding was responsible for 71% of total collections, automated administrative enforcement (e.g., financial asset seizure) and other methods were responsible for 19%, and federal tax offsets were responsible for 4%.

³⁰ A child support case is comprised of the one or more children and the parent to whom support is owed. Thus, the program serves more individual children than its total caseload.

³¹ The breakdown of collections by method is not available for FY1994.

Figure 2. IV-D Child Support Owed and Distributed by Current Versus Arrears Support

(collections in constant [i.e., inflation-adjusted] 2024 dollars, in billions)



Source: CRS analysis of data in HHS, OCSE, *Annual Report to Congress*, for FY2002-FY2020, https://acf.gov/css/site_search?keyword=annual%20report%20to%20Congress; and HHS, OCSE *FY 2024 Preliminary Data Report and Tables*, https://acf.gov/sites/default/files/documents/ocse/fy_2024_preliminary_report.pdf.

Notes: No data on cases with collections were reported for FY2013. Funding was inflation-adjusted to 2024 dollars using the Consumer Price Index Retroactive Series (R-CPI-U-RS), 1977-2024.

As Congress considers future legislative changes to the CSE program, one area of focus is the declining program caseload. Some states have experimented with increasing the program’s caseload by automatically opting in certain populations for CSE program services. For example, Texas has had a longstanding waiver from OCSE that allows the state to require that parents that are separated or divorced in certain counties be referred for CSE services.³² In addition, some states have required that certain public assistance populations cooperate with CSE as a condition of receiving benefits (e.g., SNAP, child care).³³ Some observers have suggested that cooperation requirements should be federally mandated, arguing that formal (i.e., legally enforceable) child support arrangements can provide an avenue for greater financial stability for those families.³⁴ Others have raised concerns about the challenges that cooperation requirements can create both for the CSE program and low-income families, and that such requirements do not appear to increase the amount of child support collected.³⁵

³² Daniel Schroeder and Ashweeta Patnaik, “Texas Integrated Child Support System: Final Evaluation Report,” Ray Marshall Center, August 2016, <https://repositories.lib.utexas.edu/items/c47df8c1-b50a-422e-863d-9bf2b6163703>.

³³ Rebekah Selekmán and Pamela Holcomb, “Child Support Cooperation Requirements in Child Care Subsidy Programs and SNAP: Key Policy Considerations,” *Mathematica*, October 2018, https://aspe.hhs.gov/sites/default/files/migrated_legacy_files/184901/EMPOWERED_Child_Support_Cooperation_Issue_Brief.pdf.

³⁴ Daniel Schroeder, “The Limited Reach of the Child Support Enforcement System,” *American Enterprise Institute*, December 2016, <https://www.aei.org/wp-content/uploads/2016/12/The-Limited-Reach-of-the-Child-Support-Enforcement-System.pdf>.

³⁵ See, for example, USDA, Food and Nutrition Service (FNS), “Evaluation of Child Support Enforcement Cooperation Requirements in SNAP,” March 3, 2025, [https://www.fns.usda.gov/research/snap/child-support-enforcement-\(continued...\)](https://www.fns.usda.gov/research/snap/child-support-enforcement-(continued...))

Another issue is whether the automated systems and enforcement tools that are currently available to the program should be legislatively enhanced. The most recent law amending Title IV-D made changes to the federal tax offset enforcement tool, and multiple proposals have been made in recent years that seek to increase program effectiveness through additional capabilities. For instance, prior Administrations have proposed requiring a business or government entity that receives services from a non-employee (such as an independent contractor) to report specific information about those individuals to their state’s SDNH, requiring employers to report lump sum payments for intercept, and allowing single-state financial institutions to participate in the OCSE multi-state financial institution match program to allow more efficient identification and seizure of assets.³⁶ Enhancements to federal capabilities and automated tools also have been supported by various CSE stakeholders over the years.³⁷ Congress also could consider whether to provide additional temporary financial support for states to modernize their child support data systems, as was the case under PRWORA and other laws.

Because the program is funded by mandatory spending that is open-ended, some of these changes might cause reductions to CSE spending (or funding streams for other mandatory spending programs), whereas others may create additional program costs.

Child Support Distribution and Cash Assistance Cost Recovery

The distribution of the IV-D caseload by different assistance classifications (current assistance, former assistance, never assistance) is illustrated in **Figure 3**. The number of current cash assistance families being served by the child support program has declined during this period (from 3.7 million in FY1999 to 0.9 million in FY2024), reflecting the decreasing population receiving cash assistance.³⁸ Twenty-five years ago, families currently receiving cash assistance were more than one-fifth of the child support caseload. They were about 7% of the caseload in FY2024. In the meantime, the share of former assistance families served by the program has also decreased, from 43% in FY1999 to 38% in FY2024, while the families never receiving cash assistance are now a majority of those served by the program. With regard to IV-D program collections, these trends have also been affected by the shift in caseload composition. (Some studies have found that TANF cases tend to have lower child support order amounts than non-TANF cases, and that a lower percentage of TANF cases receive payments compared to non-TANF cases.³⁹) Though the bulk of collections over the past few decades have consistently been for never assistance families, the share of collections going to these families has increased from 60% in FY1999 to 72% in FY2024. Current assistance collections are now 2% of IV-D

requirements. For additional perspectives on this debate, see also Maria Cancian and Robert Doar, “Child Support Policy: Areas of Emerging Agreement and Ongoing Debate,” October 2023, <https://www.aci.org/wp-content/uploads/2023/11/Child-Support-updated.pdf?x97961>.

³⁶ HHS, ACF, *Congressional Justification 2020*, p. 277, https://acf.gov/sites/default/files/documents/olab/acf_congressional_budget_justification_2020.pdf; and HHS, ACF, *Congressional Justification 2015*, p. 255, https://acf.gov/sites/default/files/documents/olab/fy_2015_congressional_budget_justification.pdf.

³⁷ National Child Support Engagement Association, “Resolution in Support of New Tools to Improve Child Support Collections,” August 6, 2023, https://www.ncsea.org/wp-content/uploads/2023/09/03-Resolution-in-Support-of-New-Tools-to-Improve-Child-Support-Collections_August-2023.pdf.

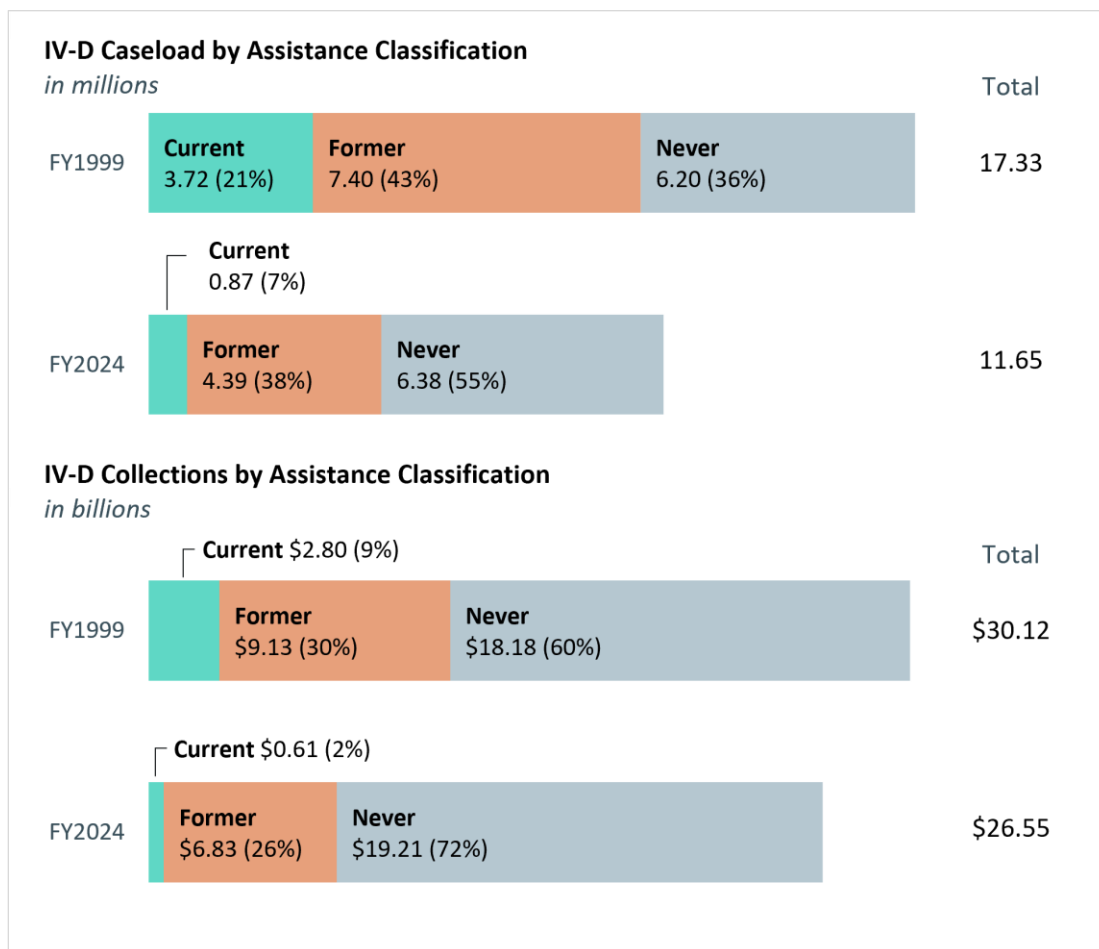
³⁸ For background on this issue, see CRS Report R47503, *Temporary Assistance for Needy Families: The Decline in Assistance Receipt Among Eligible Individuals*.

³⁹ See, for example, Haley Smith and Letitia Logan Passarella, *Maryland’s Child Support Caseload: A Profile of Custodians*, 2021, June 2022, pp. 9-10, <https://www.ssw.umaryland.edu/media/ssw/fwrtg/child-support-research/cs-caseload/Custodian-Profile,-2021.pdf>.

collections (versus 7% in FY1999), and former assistance collections are now 26% of collections (versus 30% in FY1999).

Figure 3. Distribution of IV-D Caseload and Collections by Assistance Classification (Current Assistance, Former Assistance, and Never Assistance)

(collections in constant [i.e., inflation-adjusted] 2024 dollars, in billions)



Source: CRS, based on HHS, OCSE, *FY1999 and FY2000 Annual Report to Congress*, December 1, 2000, <https://acf.gov/css/report/fy-1999-and-fy-2000-annual-report-congress>; and HHS, OCSE, *FY 2024 Preliminary Data Report and Tables*, July 17, 2025, <https://acf.gov/css/policy-guidance/fy-2024-preliminary-data-report-and-tables>.

Notes: FY2024 is preliminary data. “Current”=Current Assistance, “Former”=Former Assistance, “Never”=Never Assistance. FY1999 funding was inflation-adjusted to 2024 dollars using the Consumer Price Index Retroactive Series (R-CPI-U-RS), 1977-2024.

When the CSE program was established, a primary goal was to reduce public expenditures on cash assistance for single-parent-headed households. This was to be accomplished both through cash assistance cost recovery (whereby the child support collected for those families was used to reimburse the federal and state governments for the cash assistance payments), and by providing a mechanism for reliable financial support that would enable some of those families to remain off public assistance. In the decades since the program was established, income support for cash assistance families also became an increasing focus of the program. This resulted in federal laws, including PRWORA and DRA, that provided a state option to allow some child support to be retained by the families.

With regard to the state governments' and federal government's retention of support from cash assistance families, several states in recent years have experimented with increasing the amount of child support retained by the families, or passing through all support collected to those families. Often, these types of policy changes appear to have resulted in more child support being paid on these cases.⁴⁰ This has led some to argue that the IV-D child support distribution rules should be amended to fully distribute child support paid on cash assistance cases to those families to incentivize regular and on-time payments.⁴¹ With regard to IV-E foster care cost recovery, the distribution rules for these cases have been largely unchanged since 1984. However, recent attention has been given to flexibilities that exist for states to decide whether referral to CSE is appropriate in a given case.⁴² Any of these changes would likely have implications for federal and state finances, with reductions or eliminations in cash assistance cost recovery directly reducing one funding stream into the program.

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⁴⁰ Kyle Lippold et al., "Evaluation of the \$150 Child Support Pass-Through and Disregard Policy in the District of Columbia," Urban Institute, March 29, 2013, <https://www.urban.org/research/publication/evaluation-150-child-support-pass-through-and-disregard-policy-district-columbia>; and Colorado Behavioral Health Administration, "August is Child Support Awareness Month," August 1, 2019, <https://bha.colorado.gov/press-release/august-is-child-support-awareness-month>.

⁴¹ Vicki Turetsky and Diana Azevedo-McCaffrey, "Understanding TANF Cost Recovery in the Child Support Program," Center for Budget and Policy Priorities, July 12, 2024, <https://www.cbpp.org/sites/default/files/1-3-24tanf.pdf>. See also Maria Cancian and Robert Doar, "Child Support Policy: Areas of Emerging Agreement and Ongoing Debate," October 2023, <https://www.aei.org/wp-content/uploads/2023/11/Child-Support-updated.pdf?x97961>.

⁴² HHS, ACF, "Children's Bureau-OCSE Joint Letter on Updated Child Support Referral Policy," DCL-22-06, July 29, 2022, <https://acf.gov/css/policy-guidance/childrens-bureau-ocse-joint-letter-updated-child-support-referral-policy>.