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The Child Support Enforcement Program: A Legislative History

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Summary

The Child Support Enforcement (CSE) program was enacted in 1975 as a federal-state program (Title IV-D of the Social Security Act, P.L. 93-647). It is intended to help strengthen families by securing financial support for children from their noncustodial parent on a consistent and continuing basis and by helping some of these families to remain self-sufficient and off public assistance. Child support payments enable parents who do not live with their children to fulfill their financial responsibility to them by contributing to the payment of childrearing costs.

When the program was first established its goals were to reimburse the states and the federal government for the welfare payments they provided families, in addition to helping families obtain consistent and ongoing child support payments from the noncustodial parent and helping some of these families remain self-sufficient and stay off welfare. The CSE program has evolved over time from a "welfare cost-recovery" program into a "family-first" program that seeks to enhance the well-being of families by making child support a more reliable source of income.

The CSE program has the potential to impact more children and for longer periods of time than most other federal programs. In FY2014, it served 16.3 million children (nearly one in four children in the United States). Total CSE expenditures amounted to $5.7 billion and the program collected $28.2 billion in child support payments. The CSE program collected $5.25 for every $1 it spent in that year.

According to Census Bureau data, 29% of custodial families have income below the federal poverty level. Child support represented 49% of family income for poor custodial families that received it. As noted, the CSE program began in part as a "welfare cost-recovery" program. For many years the program has been an integral part of helping families escape poverty.

As part of its oversight duties, Congress periodically examines the effectiveness and efficiency of the CSE program. Since its enactment in 1975, almost 50 laws have made changes to the program. Although it generally garners bipartisan support, for most of its history changes to the program have been achieved in tandem with more controversial changes to other social programs. This report provides a legislative history of the CSE program. It includes a discussion of precursor legislation, describes the provisions that were part of the initial 1975 law, and summarizes the many subsequent provisions in other laws that made changes to the CSE program. It also includes a summary table of laws that pertain to the program. Moreover, the information related to individual CSE provisions generally provides enough detail to demonstrate how some of the main provisions of the CSE program have changed over time.

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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, P.L. 93-647).[1] It is intended to help strengthen families by securing financial support for children from their noncustodial parent on a consistent and continuing basis and by helping some of these families to remain self-sufficient and off public assistance. Child support payments enable parents who do not live with their children to fulfill their financial responsibility to them by contributing to the payment of childrearing costs.

When the program was first established its goals were to reimburse the states and the federal government for the welfare payments they provided families, in addition to helping families obtain consistent and ongoing child support payments from the noncustodial parent and helping some of these families remain self-sufficient and stay off welfare. Many commentators agree that the mission of the CSE program has changed over the years. It began as a program to recover the costs of providing cash welfare (AFDC[2]) to families with children. The amendments in the 1980s broadened the mission to reflect service delivery to both welfare and non-welfare families. Some commentators assert that the service-delivery goal was reemphasized in the 1996 welfare reform legislation, which established the "family first" policy. To help ensure that former welfare recipients stay off the TANF rolls, the "family first" policy requires that such families are to receive any child support arrearage payments collected by the state before the state and federal governments retain their share of collections. Moreover, it is widely agreed that since the late 1990s the CSE program has been effective in improving the well-being of families by making child support a more reliable source of income.

The CSE program provides services to both welfare families (who are automatically enrolled free of charge)[3] and non-welfare families (who must sign up and pay an application fee). Families who have never received welfare must also pay a $25 annual user fee if the CSE agency collects at least $500 per year for them.

The 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. All 50 states and four jurisdictions (the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands) operate CSE programs. They are generally operated at the county level of government. In addition, about 60 tribal nations operate CSE programs.[4]

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[1] See Sections 451-469B of the Social Security Act (42 U.S.C. 651-669b). The federal regulations can be found at 45 C.F.R. Parts 301.0-310.40.

[2] The Aid to Families with Dependent Children (AFDC) program was the predecessor to the Temporary Assistance for Needy Families (TANF) block grant program.

[3] Families that receive TANF (Title IV-A) assistance payments, children who receive Title IV-E foster care maintenance payments, persons with Medicaid (Title XIX) coverage, or those who are required by the state Supplemental Nutrition Assistance Program (SNAP) to cooperate with the CSE agency qualify for CSE free of charge. Custodial parents (which could be the mother or the father) who do not fall into one of the mentioned categories must apply for CSE services and are required to pay an application fee, which may range from $1 to $25. P.L. 98-378 specified that the fee could not exceed $25. The CSE agency may charge this fee to the applicant (i.e., the custodial parent) or the noncustodial parent, or pay the fee out of state funds. In addition, a state may at its option recover costs in excess of the application fee. Such recovery of costs may be either from the custodial parent or the noncustodial parent.

[4] 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 1996 welfare reform law, several

The CSE program is administered by the federal Office of Child Support Enforcement (OCSE), which is in the Department of Health and Human Services' (HHS's) Administration for Children and Families (ACF). The federal government reimburses each state for 66% of all allowable expenditures on CSE activities.[5] The federal government's funding is "open-ended," in that it pays its percentage of expenditures by matching the amounts spent by state and local governments with no upper limit or ceiling. Moreover, states collect child support on behalf of families receiving TANF to reimburse themselves (and the federal government) for the cost of TANF cash payments to the family. Federal law requires families who receive TANF cash assistance to assign their child support rights to the state in order to receive TANF (i.e., child support payments go to the state instead of the family, except for amounts that states choose to "pass through" to the family as additional income that does 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. The federal government also gives states an incentive payment to encourage them to operate effective CSE programs. Federal law requires states to reinvest CSE incentive payments back into the CSE program or related activities.

Child support collection 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; sending insurance settlement information to CSE agencies; authority to withhold or suspend driver's licenses, professional licenses, and recreational and sporting licenses of persons who owe past-due support; and authority to seize assets of debtor parents held by public or private retirement funds and financial institutions. Federal law authorizes the Secretary of State to deny, revoke, or restrict passports of debtor parents. All jurisdictions also have civil or criminal contempt-of-court procedures and criminal nonsupport laws, and federal criminal penalties may be imposed in certain cases. Federal law requires states to enact and implement the Uniform Interstate Family Support Act (UIFSA) and expand full faith and credit procedures, and it also provides for international enforcement of child support.

The CSE program has the potential to impact more children and for longer periods of time than most other federal programs. In FY2014, the program served 16.3 million children (22% of the 73.6 million children in the United States). Total CSE expenditures amounted to $5.7 billion and the program collected $28.2 billion in child support payments from noncustodial parents. The CSE program collected $5.25 for every $1 it spent in that year.[6]

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tribes had negotiated agreements (e.g., informal, cooperative, intergovernmental, and joint powers) with some states in a mutual effort to serve Native American children. The 1996 welfare reform law (P.L. 104-193) 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.

[5] The federal government and the states share CSE program costs at the rates of 66% and 34%, respectively. In contrast to the federal matching rate of 66% for CSE programs run by the states or territories, pursuant to the 1996 welfare reform law (P.L. 104-193) the CSE program provides direct federal funding equal to 100% of approved and allowable CSE expenditures by tribes and tribal organizations during the start-up period, provides 90% federal funding for approved CSE programs operated by tribes or tribal organizations during the first three years of full program operation, and provides 80% federal funding thereafter. For additional information, see CRS Report R41204, *Child Support Enforcement: Tribal Programs*, by Carmen Solomon-Fears.

[6] For additional information on the CSE program, see CRS Report RS22380, *Child Support Enforcement: Program Basics*, by Carmen Solomon-Fears; and CRS In Focus IF10113, *The Child Support Enforcement (CSE) Program*, by Carmen Solomon-Fears.

According to Census Bureau data, 29% of custodial families have income below the federal poverty level.[7] Child support represented 49% of family income for poor custodial families that received it.[8] As noted, the CSE program began in part as a "welfare cost-recovery" program. For many years the program has been an integral part of helping families escape poverty.

As part of its oversight duties, Congress periodically examines the effectiveness and efficiency of the CSE program.[9] This report provides a description of the individual CSE provisions contained in the initial CSE law in 1975 and the changes and reforms to the program that occurred in the nearly 50 subsequent laws that included CSE provisions.

Overview

Since the late 1800s, state courts have allowed some newly divorced women to recover child support directly from their ex-spouses. However, it was not until 1950 that the federal government took its first steps into the child support arena.

Despite legislation in 1950, as well as limited legislation in 1965 (P.L. 89-97) and 1967 (P.L.90-248), the number of families resorting to public welfare (i.e., the Aid to Families with Dependent Children (AFDC) program) continued to increase. By the early 1970s, Congress realized that the composition of the AFDC caseload had changed drastically. In earlier years, the majority of children needed financial assistance because their fathers had died; by the 1970s, the majority needed aid because their parents were separated, divorced, or had never married.

Up until the mid-1970s, there was a fierce tug-of-war between the federal government and the states over child support. 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 welfare families who had been abandoned by a parent, usually because fathers were not meeting their financial responsibility to support their children, made it a federal issue.

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 a response by Congress intended to reduce public expenditures on welfare, namely AFDC, by obtaining child support from noncustodial parents on an ongoing basis and by helping nonwelfare families get support so they could stay off welfare. 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 CSE program is considered a federal-state program because it is financed in part by the federal government with federal rules and regulations but it is operated by the states.

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[7] Timothy Grall, "Custodial Mothers and Fathers and Their Child Support: 2013," *Current Population Reports*, P60-255, U.S. Census Bureau, January 2016, http://www.census.gov/people/childsupport/data/cs13.html. See Table 4, p. 5 and p. 8 of the detailed tables for 2013.

[8] Ibid., see Table 5, p. 14 of the detailed tables for 2013.

[9] As a recent example, the House Ways and Means Committee held a hearing in November 2015. "I strongly believe federal programs shouldn't trap Americans in poverty. That's why we're going to continue to advance legislation to reform our nation's welfare programs. Along the way we will focus on modern anti-poverty solutions proven to help move Americans from government benefit checks to real paychecks and the unlimited opportunity our people deserve," U.S. House of Representatives, House Ways and Means Committee, "Chairman Brady Lays out Vision for Ways and Means Committee," November 18, 2015.

The chief sponsor of the 1975 CSE legislation was Senator Russell Long, who was at the time the chairman of the Senate Finance Committee. 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.[10]

President Ford expressed "reservations" when he signed the enacting legislation. While supporting the objectives of the amendments, he contended that certain provisions "go too far by injecting the Federal Government into domestic relations." He complained of "serious privacy and administrative issues," and promised to propose legislation to correct defects.[11]

In subsequent years, as Congress made changes to the CSE program, many presidents expressed support for holding parents accountable with respect to financially taking care of their children. Ten years after President Ford expressed his reservations regarding the CSE program, such concerns had for all intents and purposes disappeared. The Child Support Enforcement Amendments of 1984, P.L. 98-378, were passed by the House unanimously on November 16, 1983, and by the Senate unanimously on April 24, 1984. 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, National Governor's Association, and National Women's Law Center. 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.

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.[12]

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

> the culmination of more than 2 years of effort and responds to the call in my 1986 State of the Union Message for real welfare reform—reform that will lead to lasting emancipation

[10] *Congressional Record*, v. 118, part 7, March 14, 1972, Remarks of Senator Russell B. Long, p. 8291.

[11] President Gerald R. Ford: "Statement on Signing the Social Services Amendments of 1974," January 4, 1975. Online by Gerhard Peters and John T. Woolley, The American Presidency Project—http://www.presidency.ucsb.edu/ws/?pid=4783.

[12] President Ronald Reagan, "Remarks on Signing the Child Support Enforcement Amendments of 1984," August 16, 1984, online by Gerhard Peters and John T. Woolley, The American Presidency Project, http://www.presidency.ucsb.edu/ws/?pid=40256.

> from welfare dependency.… First, the legislation improves our system for securing support from absent parents.[13]

In 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) into law. He stated:

> The bill I'm about to sign, as I have said many times, is far from perfect, but it has come a very long way. Congress sent me two previous bills that I strongly believe failed to protect our children and did too little to move people from welfare to work. I vetoed both of them. This bill had broad bipartisan support and is much, much better on both counts.[14]

He also said:

> It 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.[15]

In 1998, President Clinton signed the Deadbeat Parents Punishment Act of 1998 (P.L. 105-187) into law. He 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.[16]

Less than one month later, President Clinton signed the Child Support Performance and Incentive Act of 1998 (P.L. 105-200) into law. He stated:

> 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

[13] President Ronald Reagan, "Remarks on Signing the Family Support Act of 1988," October 13, 1988, online by Gerhard Peters and John T. Woolley, The American Presidency Project, http://www.presidency.ucsb.edu/ws/?pid=35013.

[14] 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, online by Gerhard Peters and John T. Woolley, The American Presidency Project, http://www.presidency.ucsb.edu/ws/?pid=53218.

[15] Ibid.

[16] President William J. Clinton, "Remarks on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange With Reporters," June 24, 1998, online by Gerhard Peters and John T. Woolley, The American Presidency Project, http://www.presidency.ucsb.edu/ws/?pid=56200.

> 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.[17]

Since its enactment in 1975, almost 50 laws have made changes to the CSE program. This report provides a legislative history of the program. It includes a discussion of precursor legislation, describes the provisions that were part of the initial law, and describes the many subsequent provisions in other laws that made changes to the CSE program. It also includes a summary table of laws that pertain to the program. The information related to individual CSE provisions generally provides enough detail to demonstrate how some of the main provisions of the CSE program changed over time.

Child Support Enforcement Laws

Although the CSE program generally garners bipartisan support, it is hard to document congressional votes on specific CSE-related issues because most CSE legislation has not been in the form of stand-alone bills.[18] For most of its history changes to the CSE program have been achieved in tandem with changes to other social welfare programs. As seen in **Table 1**, many CSE provisions were incorporated in omnibus budget bills and legislation amending Social Security Act programs.

Table 1 lists the federal laws that include CSE provisions. It is followed by a description of the individual CSE provisions in the listed CSE laws. The provisions reflect the changes in and/or expansion of the mission of the CSE program over the years.

Table 1. Child Support Enforcement Laws: 1950-2015

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

[17] President William J. Clinton, "Statement on Signing the Child Support Performance and Incentive Act of 1998," July 16, 1998, online by Gerhard Peters and John T. Woolley, The American Presidency Project, http://www.presidency.ucsb.edu/ws/?pid=56312.

[18] Out of the six "stand-alone" child support bills as denoted by the phrase "Child Support" in their titles, only three had recorded votes, the other three were passed by voice vote or unanimous consent. The discussions of P.L. 98-378, P.L. 105-187, and P.L. 105-200 each include a footnote with the yeas and nays of the recorded vote on passage of the legislation.

Year	Public Law	Title	Enactment Date
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
1978	P.L. 95-598	Bankruptcy Reform Act of 1978	October 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
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
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. 100-485	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 Amendments of 1994	October 31, 1994
1995	P.L. 104-35	N.A.	October 12, 1995
1996	P.L. 104-193	Personal Responsibility and Work Opportunity Reconciliation Act of 1996	October 22, 1996
1997	P.L. 105-33	Balanced Budget Act of 1997	August 5, 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

Year	Public Law	Title	Enactment Date
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
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
2014	P.L. 113-183	Preventing Sex Trafficking and Strengthening Families Act	September 29, 2014

Source: Table prepared by the Congressional Research Service (CRS).

Notes: By 1957, all states, the District of Columbia, and the territories of Guam, Puerto Rico, and the Virgin Islands had adopted URESA.

N.A. = Not Available, meaning no official or unofficial title.

No CSE legislation was enacted in 2015.

1950

Social Security Amendments of 1950

The first federal child support enforcement legislation was P.L. 81-734, the Social Security Act Amendments of 1950, which added Section 402(a)(11) to the Social Security Act (42 U.S.C. 602(a)(11)). The legislation 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 welfare dollars; it was not responsible for enforcing child support.[19]

Uniform Reciprocal Enforcement of Support Act (URESA)

> "The average member of a state legislature is (or must at least pretend to be) against sin and in favor of low taxes. So he is almost compelled to vote for a

[19] U.S. Department of Health and Human Services, Office of Child Support Enforcement, National Institute for Child Support Enforcement, *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, p. 90.

Also in 1950, the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Bar Association approved the Uniform Reciprocal Enforcement of Support Act (URESA).URESA, a model state law, was enacted in all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The act was amended in 1952 and 1958 and revised in 1968.[20] In its early years URESA was often called the "Runaway Pappy Act." Its purpose was to provide a system for the interstate enforcement of child support orders without requiring the person seeking child support or her or his legal representative to go to the state in which the noncustodial parent resided.[21]

> law that will bring to boot the runaway pappy who is neglecting his moral duty to his wife and children and at the same time reduce taxes by shifting the burden of relief for destitute families from the state to the father/husband who should bear it." (Source: William J. Brockelbank (Uniform Law Commmissioner for the State of Idaho) *Interstate Enforcement of Family Support (The Runaway Pappy Act)*, 1960.

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 the address and place of employment of an absent parent who owed child support under a court order for support.

[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] Before 1950, many noncustodial parents were able to avoid paying child support to custodial parents by leaving their state of residence. Since each state had its own laws, 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 the court in that state. This usually was an expensive and time-consuming process. Most parents simply gave up without ever collecting the child support owed to them. 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.

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. 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.[22] The 1967 amendments also provided for federal reimbursement of costs related to paternity and child support activities at a 50% rate.

> Some observers concluded that the 1967 amendments were not adequate for effective child support enforcement because they did not (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. (Source: *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, p. 91.)

1975

Social Services Amendments of 1974

P.L. 93-647, the Social Services Amendments of 1974, created part D of Title IV of the Social Security Act (Sections 451, et seq.; 42 U.S.C. 651, et seq.). The law contained key child support enforcement provisions, which reflected three years of intense congressional attention. The main CSE provisions are summarized below.

> "By 1972, it was apparent that the 1967 amendments were not … being vigorously implemented by the States. … In reaction to this situation, the version of H.R. 1 reported by the Senate Finance Committee on September 25, 1972, contained a new Part D of title IV of the [Social Security] Act. This proposal, with some major exceptions, formed the framework for title IV D which was enacted [some two and a half years later] in Part B of Public Law 93-647." (Source: U.S. Department of Health and Human Services, Office of Child Support Enforcement, "Kids, They're Worth Every Penny," 9th Annual Child Support Enforcement Report to Congress, December 1984, p. 111.)

Federal Requirements

The Secretary of the Department of Health, Education, and Welfare (now the Department of Health and Human Services, or HHS) 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 a Federal Parent Locator Service (FPLS);[23] (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;

[22] U.S. Department of Health and Human Services, Office of Child Support Enforcement, National Institute for Child Support Enforcement, *History and Fundamentals of Child Support Enforcement Handbook*, July 1980, p. 90.

[23] The FPLS is an assembly of systems operated by the Office of Child Support Enforcement (OCSE) in the Department of Health and Human Services (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.

(5) certifying cases for referral to the federal courts to enforce support obligations; (6) certifying cases for referral to the IRS for support collections; (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 child support enforcement services;[24] (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 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 make an assignment of support rights to the state, to cooperate with the state in establishing paternity and securing support, and to furnish their Social Security numbers to the state. (Note that although these provisions are requirements for Title IV-A of the Social Security Act, they are a cornerstone of the Title IV-D program.)

Moreover, each state/jurisdiction was 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.

Financing the CSE Program

The 1975 law required that child support payments made on behalf of children receiving AFDC benefits had to 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.[25]

P.L. 93-647 also 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

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

[25] P.L. 93-647 required that from July 1, 1975, through September 30, 1976, 40% of the first $50 of the current month's child support payment collected (to a maximum of $20) was required to be paid to the AFDC family.

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%.[26] Incentive payments came out of the portion of child support collections sent to the federal government (thereby with zero cost to the states).

P.L. 93-647 required the Secretary of the Department of Health, Education, and Welfare (HEW)[27] 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 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.[28]

P.L. 93-647 also stipulated 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%.

P.L. 94-46

Several problems were identified prior to July 1, 1975 (the effective date of P.L. 93-647) and Congress passed legislation, 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 problems associated with 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, and to receive federal reimbursement at a reduced rate (50% rather than 75%). P.L. 94-88 also eased the requirement for AFDC recipients to cooperate with state CSE agencies when such cooperation would not be in the best interests of the child, and provided for supplemental payments to AFDC recipients whose grants would be reduced due to the implementation of the CSE program. In addition, P.L. 94-88 provided for quarterly advances to the states for CSE programs. It also 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.

[26] 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.

[27] Later this department was renamed the Department of Health and Human Services (HHS).

[28] 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 CSE funding for non-AFDC families through June 30, 1977. P.L. 95-59 extended CSE funding for non-AFDC families through September 30, 1978. P.L. 96-178 extended CSE funding for non-AFDC families through March 31, 1980. P.L. 96-272 made CSE funding for non-AFDC families permanent.

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 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 absent parents' addresses to state CSE agencies.

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 Social Security Act. 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;[29] and (4) clarify several terms used in the statute. P.L. 95-30 also amended Section 454 of the Social Security Act (42 U.S.C. 654) to require the state plan to provide bonding for employees who receive, handle, or disburse cash and to ensure that the accounting and collection functions are performed by different individuals. In addition, the incentive payment provision, under Section 458(a) of the Social Security Act (42 U.S.C. 658(a)), was amended to change the rate to 15% of AFDC collections (from 25% for the first 12 months and 10% thereafter).

Extension of Certain Social Welfare Programs

P.L. 95-59 (Extension of Certain Social Welfare Programs) extended CSE funding for non-AFDC families from June 30, 1977, to September 30, 1978.

Medicare-Medicaid Antifraud and Abuse Amendments

P.L. 95-142, the Medicare-Medicaid Antifraud and Abuse Amendments, established (in Section 11 of the law) a medical support enforcement program under which states could require Medicaid applicants and recipients to assign to the state their rights to medical support. State Medicaid agencies were allowed to enter into cooperative agreements with any appropriate agency of any

[29] P.L. 95-30 amended Title III of the Consumer Credit Protection Act (CCPA; 15 U.S.C. 1673(b)), which limits the amount of an employee's earnings that may be garnished. Under the CCPA, 50%-65% of disposable earnings may be garnished or withheld from a noncustodial parent's paycheck for child support purposes. Specifically, the CCPA allows up to 50% of a worker's disposable earnings to be garnished to pay child support if the worker is currently supporting a spouse or a child who is not the subject of the order. If a worker is not supporting a spouse or child, up to 60% of the worker's disposable earnings may be taken. An additional 5% may be garnished for support payments more than 12 weeks in arrears. *Note:* Disposable earnings is the amount of earnings left after legally required deductions (e.g., federal, state, and local taxes; Social Security; unemployment insurance; 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.

state, including the CSE agency, for assistance with the enforcement and collection of medical support obligations. Incentives were also made available to localities making child support collections for states and for states securing collections on behalf of other states.

1978

Bankruptcy Reform Act of 1978

P.L. 95-598, the Bankruptcy Reform Act of 1978, repealed Section 456(b) of the Social Security Act (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 Social Security Act was restored in 1981 by P.L. 97-35.)

1980

P.L. 96-178

P.L. 96-178 extended federal financial participation (FFP) (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, increased federal matching funds to 90%, effective July 1, 1981, for the costs of developing, implementing, and enhancing approved automated child support management information systems. Federal matching funds were also made available for child support enforcement duties performed by certain court personnel. In another provision, the law 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.

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 Social Security Act. First, the law made FFP for non-AFDC services available on a permanent basis (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.

1981

Omnibus Budget Reconciliation Act of 1981

P.L. 97-35, the Omnibus Budget Reconciliation Act of 1981, amended Title IV–D of the Social Security Act in five ways. First, the IRS was authorized to withhold all or part of certain individuals' federal income tax refunds for collection of delinquent child support obligations on behalf of AFDC families. 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. Fourth, child support obligations assigned to the state no longer were dischargeable in bankruptcy proceedings. Fifth, states were required to withhold a portion of unemployment benefits from noncustodial parents 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. FFP was reduced from 75% to 70%, effective October 1, 1982. Incentives were reduced from 15% to 12%, effective October 1, 1983 (such incentives are obtained from the federal share of CSE collections). The provision for reimbursement of costs of certain court personnel that exceed the amount of funds spent by a state on similar court expenses during calendar year 1978 was repealed. The mandatory 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. States were allowed to collect spousal support in certain non-AFDC cases. As of October 1, 1982, 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. Beginning October 1, 1982, states were allowed 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.

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.

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 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.[30]

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 often referred to as the "$50 disregard" resulted in some AFDC families having up to $50 of additional disposable income each month.) The remaining amount was divided between the state and the federal governments according to the state's AFDC federal matching rate.

P.L. 98-369 also provided that the $1,000 dependency exemption for a child of divorced or separated parents was to be allocated to the custodial parent unless the custodial parent signed a written declaration that she or he would not claim the exemption for the relevant year. For purposes of computing the medical expense deduction for years after 1984, 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,[31] featured provisions that required improvements in state and local CSE programs in four major areas:

> "The new public law requires States to have laws establishing several proven effective enforcement procedures. The practices required are already available in some States and used to varying degrees. The Child Support Enforcement Amendments of 1984 prescribe minimum requirements for the procedures while offering the States significant operational flexibility." (Source: U.S. Department of Health and Human Services, Office of Child Support Enforcement, "Kids, They're Worth Every Penny," 9th Annual Child Support Enforcement Report to Congress, December 1984, p. 111.)

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 orders; (3) state income tax refund interceptions; (4) liens against real and personal property, security, or bonds to ensure compliance with support obligations; and (5) reports of support delinquency information to consumer reporting agencies. State law had to allow for the bringing of paternity actions any time prior to a child's 18th birthday and all support orders issued or modified after October 1, 1985, had to include a provision for wage withholding.

Federal financial participation and audit provisions

To encourage greater reliance on performance-based incentives, federal matching funds were reduced by 2% in 1988 (to 68%) and another 2% in 1990 (to 66%). Federal matching funds at a

[30] 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.

[31] On August 8, 1984, the House agreed to the conference report on the Child Support Enforcement Amendments of 1984 (H.R. 4325) by a vote of 413-0 (Record Vote No: 357). On August 1, 1984, the Senate agreed to the conference report on H.R. 4325 by a vote of 99-0. (Record Vote No: 210).

90% rate were expanded to include computer hardware purchases, and at state option to facilitate income withholding and other newly required 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 child support enforcement 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 from 1% to 5% of the federal share of the state's AFDC funds. The federal government could suspend imposition of a penalty based on a state's filing of, and complying 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.

> "The American child support enforcement program exemplifies the gentrification of a traditional public welfare initiative that was initially designed for the poor. … This unification movement was driven from the bottom up, with middle-class, grassroots organizations demanding change. They found a particularly receptive audience of women politicians and a Reagan administration seeking a second term in office. The clientele merger altered the fundamental character of the child support enforcement program." (Source: Jocelyn Elise Crowley, The Gentrification of Child Support Enforcement Services, 1950–1984, *Social Service Review*, vol. 77, no. 4 (December 2003), pp. 585-604.)

Equal services for welfare and non-AFDC families

Several specific requirements were directed at improving state services to non-AFDC families. All of the mandatory practices had to be made 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 became available for the first time (to apply to refunds payable after December 31, 1985, and before January 1, 1991; this provision was made permanent by P.L. 101-508). States were required to continue child support services to families terminated from the welfare rolls without charging an application fee. States were required to charge an application fee not exceeding $25 for non-AFDC cases. States were required to publicize the availability of CSE services for non-AFDC parents.

Other provisions

States were required to (1) collect support in certain foster care cases; (2) collect spousal support in addition to child support where both are due in a case; (3) notify AFDC recipients, at least yearly, of the collections made on their behalf; (4) establish state commissions to study the operation of the state's child support system and report findings to the state's governor; (5) 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; (6) offset the costs of the program by charging various fees to non-AFDC families and delinquent nonresident parents; (7) 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; later made permanent by P.L. 101-239); (8) establish medical support orders in addition to monetary awards; and (9) provide waiver authority for the CSE program to operate approved research and demonstration projects under Section 1115 of the Social Security Act. The Federal Parent Locator Service was made more accessible and effective in locating absent parents.

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. Under this new requirement, state laws had 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, included 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,[32] regardless of whether they were receiving AFDC.

1988

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 child support enforcement as the first line of defense against welfare dependence. Key child support provisions included the following:

Guidelines for child support awards

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. Beginning five years after enactment, states generally had to review and, if necessary, adjust individual case awards every three years for AFDC cases. The same applied to other CSE

> "The long-anticipated welfare reform act became law in October 1988. … The law puts federal muscle (both funds and sanctions) behind trends that have been taking shape for a number of years. It is now generally agreed that both parents should be responsible for the well-being of their children and that family well-being may be enhanced if needy mothers work rather than stay at home with their children, provided that adequate child care is available.… The five principal sections of the law deal with child support and the establishing of paternity; job opportunities and training for families on AFDC; supportive services for families as they make the transition from AFDC to independence; related AFDC amendments; and demonstration projects." (Source: University of Wisconsin-Madison, Institute for Research on Poverty, *Focus*, vol. 11, no. 4, Winter 1988-1989, p. 15.)

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

cases, except review and adjustment was at the request of a parent.

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 compares 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. The federal matching rate for laboratory testing to establish paternity was increased to 90%.

Disregard of child support

The child support enforcement disregard 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.

Requirement for prompt state response

The Secretary of HHS was required to set time limits within which states had to accept and respond to requests for assistance in establishing and enforcing support orders as well as 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 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 matching rates 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.

Computing incentive payments

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

Use of INTERNET system

The Secretaries of Labor and HHS were required to enter into an agreement to give the Federal Parent Locator Service prompt access to wage and unemployment compensation claims information useful in locating absent parents.

Wage withholding

With respect to CSE cases, each state was required to 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.

Work and training demonstration programs for noncustodial parents

The Secretary of HHS 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.

Data collection and reporting

The Secretary of HHS 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.

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 his or her Social Security number (SSN), unless the state found good cause for not requiring the parent to furnish it. 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 Secretary of HHS 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.

1989

Omnibus Budget Reconciliation Act of 1989

P.L. 101-239, the Omnibus Budget Reconciliation Act of 1989, made permanent the requirement that Medicaid benefits continue for four months after a family loses AFDC eligibility as a result of collection of child support payments.

1990

Omnibus Budget Reconciliation Act of 1990

P.L. 101-508, the Omnibus Budget Reconciliation Act of 1990, with respect to non-AFDC cases, permanently extended 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 child support program was struggling in the late 1980's. Congress was concerned that the IV-D program, created in 1975 as a federal-state partnership primarily to recoup welfare debt, was falling short of its mandate to successfully locate noncustodial parents, establish paternity and support orders, and enforce those orders. … The decade of the 1990's was one of change, growth, and improvements for the program unrivaled since its origin. … A generation after the U.S. Interstate Commission [on Child Support] issued its report and recommendations [in 1992], the program has matured into one that does reasonably well at collecting support, and is now focused on supportive measures for both custodial and non-custodial parents to ensure that they have the tools with which to provide financial, and emotional, support to their children. As the next wave of changes moves the program to a more holistic, neutral approach to supporting families, it is well to remember and understand how the successes over the past twenty years are providing the platform for our next level of program reforms." (Source: Jeff Ball, "How a 'Blueprint for Reform' Led to 20 Years of Program Improvement.")

1992

Child Support Recovery Act of 1992

P.L. 102-521, the Child Support Recovery Act of 1992,[33] 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. 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.

[33] On September 18, 1992, the Senate passed the Child Support Recovery Act of 1992, with an amendment, by voice vote. On October 3, 1992, the House passed the bill (S. 1002), with an amendment, without objection. On October 7, 1992, the Senate agreed to the House amendment by voice vote.

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 to require a consumer reporting/credit agency 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 percentage of children for whom the state was required to establish paternity from 50% to 75% (which was enforced by financial penalties linked to a reduction of federal matching funds for the state's AFDC program if the state did not meet the "paternity establishment percentage" requirement), and required states to adopt laws requiring civil procedures to voluntarily acknowledge paternity (including hospital-based programs). The act also required states to adopt laws to ensure the compliance of health insurers and employers in carrying out court or administrative orders for medical child support and included a provision that prohibited health insurers from denying coverage to children who were not living with the covered individual or born outside marriage.

1994

Full Faith and Credit for Child Support Orders Act

P.L. 103-383, the Full Faith and Credit for Child Support Orders Act,[34] 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.

The law did not amend Title IV-D of the Social Security Act and therefore did not directly change federal CSE program requirements. Nonetheless, P.L. 103-383 impacted 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 P.L. 103-383, had modified the support order. However, the power 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. In addition, child support and alimony payments were made priority claims and custodial parents were able to appear in bankruptcy

[34] On September 27, 1994, the Senate passed the Full Faith and Credit for Child Support Orders Act (S. 922), with an amendment, by voice vote. On October 5, 1994, the House passed S. 922 by voice vote.

court to protect their interests without paying a fee or meeting any local rules for attorney appearances.

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.

Social Security Act Amendments of 1994

P.L. 103-432, the Social Security Act Amendments of 1994, included a provision that required states to implement procedures requiring periodic state reporting to consumer credit agencies of the names of debtor parents owing at least two months' of overdue child support and the amount of child support overdue.

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 funding for this activity was not extended in a later law.

1996

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, also known as the 1996 welfare reform bill) was devoted to major reforms of the CSE program.[35] P.L. 104-193 contains nearly 50 changes, many of them major, to child support law. The summary below organizes these changes into several major categories.

> "In addition to replacing the Aid to Families with Dependent Children (AFDC) program with the TANF block grant, PRWORA [P.L. 104-193] also included some of the toughest provisions added to the CSE program since its creation. The majority of these enhancements were patterned after successful CSE initiatives pioneered by the States." (Source: U.S. Department of Health and Human Services, Office of Child Support Enforcement, *21st Annual Child Support Enforcement Report to Congress*, December 1996, p. 7.)

[35] More than two years before major changes were made in the CSE program, the General Accounting Office (GAO, now Government Accountability Office) was asked to examine 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." (Source: U.S. General Accounting Office, "Child Support Enforcement: Families Could Benefit From Stronger Enforcement Program," *GAO/HEHS-95-24*, December 1994, pp. 3-4.)

State obligation to provide services and distribution rules

The rules governing how child support collections are distributed among the federal government, state governments, and families that are on or have been on welfare were substantially changed. The pass-through of the first $50 in child support collections to families on welfare was altered to no longer be a federal requirement. Instead, payments to families that leave welfare are more generous. By October 1, 1997, states had to distribute to the family current support and arrearages that accrued after the family left welfare before the state could be reimbursed for welfare costs. By October 1, 2000, states also were required to distribute to the family arrearages that accrued before the family began receiving welfare before the state could be reimbursed. These new rules, however, did not apply to collections made by intercepting tax refunds. The result of these changes was that states were required to pay a higher fraction of child support collections on arrearages to families that have left welfare by making those payments to families first (before the state). The new law required that if this change in policy resulted in states losing money relative to current law, the federal government would reimburse states for any losses. This section of the law also contained clarifications of the "fill-the-gap" policy 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.

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 registry of all CSE cases and all other new or modified child support cases in the state. The registry had to contain specified minimum data elements for all cases. For cases enforced by the state CSE program, the registry 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.

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. This CSE State Disbursement Unit 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 had to send an income withholding notice to employers.

Third, states had to require employers to send information on new employees to a centralized State Directory of New Hires within 20 days of the date of hire; employers that report 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 data base within five days, against the State Case Registry using Social Security numbers. In the case of matches, within two days of entry of data in the Registry, employers had to be notified of the amount to be withheld and where to send the money. Within three days, new employee information had to be reported by states to the National Directory of New Hires.[36] New hire information had to be shared with state agencies

[36] The National Directory of New Hires (NDNH) is a database of personal, wage, and employment information of

administering unemployment, workers' compensation, welfare, Medicaid, food stamps, and other specified programs. 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 subject to income withholding were to immediately become subject to income withholding without a hearing if arrearages occur. 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 State Disbursement Unit within seven days of the normal date of payment to the employee.

All state and federal child support agencies must have access to the motor vehicle and law enforcement locator systems of all states. The Federal Parent Locator Service (FPLS) was given several new functions. The new law clarified that the purposes for which the FPLS could be used included establishing parentage; setting, modifying or enforcing support orders; and enforcing custody or visitation orders. In addition to being the repository for information from every state case registry and state directory of new hires (information on new hires had to be entered into the FPLS within two days of receipt), the FPLS had to match information from state case registries with information from state new hire directories 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 both 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.

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

Streamlining and uniformity of procedures

All states had to enact the Uniform Interstate Family Support Act (UIFSA), including all amendments adopted by the National Conference of Commissioners of 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 ensure that full faith and

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 National Directory of New Hires 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 verify program eligibility, prevent or end fraud, collect overpayments, or assure that program benefits are correct. The NDNH, itself, is a component of the Federal Parent Locator Service (FPLS), which is maintained by the federal Office of Child Support Enforcement (OCSE) and is housed at the Social Security Administration's National Computer Center in Baltimore, MD.

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 had 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; requiring public and private employers and other entities to provide information on employment, compensation, and benefits 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.

Paternity establishment

States were required to have laws that permitted paternity establishment 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; 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. When the child's parents were unmarried, the father's name was not to appear on the birth certificate unless there was an acknowledgment or 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. 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. States had to require issuance of temporary support orders if paternity was indicated by genetic testing or other clear and convincing evidence. 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. Fathers had to have a 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 State Case Registry of Child Support Orders and states had to publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support.

Individuals who applied for public assistance had to provide specific identifying information about the noncustodial parent and had to appear at interviews, hearings, and other legal proceedings. States had 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, welfare, or Medicaid agencies. Families that refused to cooperate with these requirements had to have their grant reduced by at least 25%.

Program administration and funding

The HHS Secretary was required to develop a 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 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%.

States were required to annually review and report to the HHS Secretary information adequate 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 states 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. States had to establish an automated data system that (1) maintained data necessary to meet federal reporting requirements, (2) calculated state performance for incentives and penalties, and (3) ensured the completeness, reliability, and accuracy of data. The automated data system also was required to have privacy safeguards. Data requirements enacted before or during 1988 had to be met by October 1, 1997; funding at the 90% federal matching rate was made available to meet these requirements (including retroactive funding for amounts spent since October 1, 1995). A total of $400 million, to be divided among the states in a manner determined by the HHS Secretary, was made available for meeting the data requirements imposed by this legislation; this money was made available to states at a federal match rate of 80%. The Secretary could use 1% of the federal share of child support collections on behalf of welfare families to provide technical assistance to the states; if needed, the Secretary could use up to 2% of the federal share to operate the FPLS.

The HHS Secretary was required to provide several new pieces of information to Congress on an annual basis. This new information included the total amount of child support collected, the costs to the federal and state governments of furnishing child support services, and the total amount of support due and collected as well as due and unpaid.

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 welfare 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 requested a review in welfare cases or if either parent requested a review in non-welfare CSE cases.

Consumer credit agencies were required to release information on parents who owed child support to CSE agencies that followed several requirements, such as ensuring privacy. Financial institutions were provided immunity from prosecution for providing information to CSE agencies; however, 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.

Enforcement of support orders

Child support enforcement for federal employees, including retirees and military personnel, was substantially revamped and strengthened. As under prior law, federal employees were subject to wage withholding and other actions taken against them by state CSE agencies. Every federal agency was responsible for responding to a state CSE 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 his or her attention by CSE officials.

The definition of income for federal employees was broadened to conform to the general CSE definition and child support claims were given priority in the allocation of federal employee income. The Secretary of Defense had to establish a central personnel locator service, which had to be updated on a regular basis, that permitted location of every member of the Armed Services. The Secretary of each branch of the military service had to grant leave to facilitate attendance at child support hearings and other child support proceedings. The Secretary of each branch of the Armed Services also had to withhold child support from retirement pay and forward it to state disbursement units. States had to have laws that permitted the voiding of any transfers of income or property that were made to avoid paying child support. State law had 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. States had to periodically report to credit bureaus, after fulfilling due process requirements, the names of parents owing past-due child support. States also had to have procedures under which liens took effect by operation of law against property for the amount of overdue child support; states had to grant full faith and credit to the liens of other states. States also were 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 to develop and operate a data match system in which the financial institution supplied, on a quarterly basis, the name, address, and Social Security number 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.

The Internal Revenue Code was amended so that no additional fees could be assessed for adjustments to previously certified amounts for the same obligor. In the case of individuals owing child support arrearages in excess of $5,000, the Secretary of HHS 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 Secretary of HHS, 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 was amended to ensure that any child support debt that was owed to a state and that was enforceable under the child support section of the Social Security Act (Title IV–D) could not be discharged in bankruptcy proceedings.

A state that has Indian country was allowed to enter into a cooperative agreement with an Indian tribe if the tribe demonstrated it had an established court system that could enter child support and paternity orders; the HHS Secretary was allowed to make direct payments to tribes that had approved CSE plans.

Medical support

The definition of "medical child support order" in the Employee Retirement Income Security Act (ERISA) was expanded to clarify that any judgment, decree, or order that was issued by a court or by an administrative process had the force and effect of law. All orders enforced by the state CSE agency had to include a provision for health care coverage. If the noncustodial parent changed jobs and the new employer provided health coverage, the state was required to send notice of coverage to the new employer; the notice in effect served to enroll the child in the health plan of the new employer.

Enhancing responsibility and opportunity for nonresidential parents

P.L. 104-193 guaranteed $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. A formula for dividing the grant money among the states was included. 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 about 30 technical changes to the 1996 welfare reform law (P.L. 104-193) that related to the CSE program (Title IV-D of the Social Security Act).

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

It modified child support requirements affecting (1) distribution of state-collected support and state options for applicability of certain rules; (2) distribution of collections with respect to families receiving assistance and families under certain agreements; (3) civil penalties for failure to report required information to a State Directory of New Hires; (4) uses of the Federal Parent Locator Service, including access to its CSE case registry data for research purposes; (5) collection and use of Social Security numbers for child support enforcement purposes in state certificates and licenses for marriage, occupational, professional, and commercial activities; (6) availability of funds earmarked for the Federal Parent Locator Service; (7) authority to collect child support from federal employees; (8) direct federal grants to Indian tribes for child support enforcement; (9) 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; (10) high-volume automated administrative enforcement in interstate cases; and (11) statutory procedures to ensure that persons with child support arrearages have a work or payment plan.

It clarified that with respect to the suspension of certain licenses for failure to pay child support, recreational licenses included sporting licenses.

It also stipulated that no information from the Federal Parent Locator Service 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, and made many other technical changes.

1998

Deadbeat Parents Punishment Act of 1998

P.L. 105-187, the Deadbeat Parents Punishment Act of 1998,[37] established 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

> "Many members of Congress, Administration officials, State officials, experts, and children's advocates worked together constructively in a bipartisan fashion to craft this valuable piece of legislation, and I wish to thank them for their efforts." (Source: President William J. Clinton, "Statement on Signing the Child Support Performance and Incentive Act of 1998," July 16, 1998.)

P.L. 105-200, the Child Support Performance and Incentive Act of 1998,[38] established a revised incentive payment system that provided incentive payments to states based on a percentage of the state's CSE collections and incorporated five performance measures related to establishment of paternity and child support orders, collections of current and past-due support payments, and cost-effectiveness. The law set specific annual caps on total federal incentive payments and required states to reinvest incentive payments back into the CSE program. The exact amount of a state's incentive payment depended on its level of performance (or the rate of improvement over 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. (The purpose of the CSE incentive payments is to encourage states to operate efficient and effective CSE programs.)

P.L. 105-200 imposed less severe financial penalties on states that failed to meet the October 1997 deadline for implementing a statewide CSE automated data processing and information retrieval system. It also included provisions related to medical support and privacy protections, and made other minor changes.

[37] On June 5, 1998, the Senate passed the Deadbeat Parents Punishment Act of 1998 (H.R. 3811) without amendment by unanimous consent (Congressional Record, S5734). On May 12, 1998, the House motioned to suspend the rules and passed H.R. 3811 by a vote of 402-16 (2/3 required) (Roll No. 139).

[38] On April 2, 1998, the Senate passed the Child Support Performance and Incentive Act of 1998 (H.R. 3130) with an amendment by unanimous consent. On March 5, 1998, the House passed H.R. 3130 by a vote of 414-1 (Roll no. 39).

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 P.L. 105-200 that allowed a state that failed to comply with the 1996 child support data processing requirements to have its annual penalty 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 provision clarified the date by which states had to pass laws implementing medical child support provisions to allow time for state legislatures that met biennially to pass laws after final federal regulations were issued in 2000.

1999

Consolidated Appropriations Act, 2000

P.L. 106-113, the Consolidated Appropriations Act, 2000, provided an alternative penalty for states that were not in compliance with the centralized State Disbursement Unit requirement but had submitted a corrective compliance plan by April l, 2000, that described how, by when, and at what cost the state would achieve compliance. The Secretary of HHS was required to reduce the amount the state would otherwise have received in federal child support payments by the penalty amount for the fiscal year. 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 and the state disbursement unit requirement were subject to only one alternative penalty.

P.L. 106-113 granted access to the National Directory of New Hires to the Department of Education. These provisions were designed to improve the ability of the Department of Education to collect on defaulted student loans and grant overpayments.[39]

Foster Care Independence Act of 1999

P.L. 106-169, the Foster Care Independence Act of 1999, limited the hold harmless requirement of current law by stipulating that states would only be entitled to hold harmless funds if the state's share of child support collections were less than they were in FY1995 and the state had distributed and disregarded to welfare families at least 80% of child support collected on their behalf in the preceding fiscal year or the state had distributed to former welfare recipients the state share of 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. P.L. 106-169 repealed this hold harmless provision effective October 1, 2001.

[39] The National Directory of New Hires is a federal database of employment and unemployment insurance information administered by the Office of Child Support Enforcement within HHS. Access to these data is tightly controlled by statute, and HHS implements strong privacy, confidentiality, and security protections to protect the data from unauthorized use or disclosure. Also see footnote footnote 36.

2004

Consolidated Appropriations Act, 2004

P.L. 108-199, the Consolidated Appropriations Act, 2004, granted access to the National Directory of New Hires to the Department of Housing and Urban Development. These provisions were designed to verify the employment and income of persons receiving federal housing assistance.[40]

SUTA Dumping Prevention Act of 2004

P.L. 108-295, the SUTA Dumping Prevention Act of 2004, granted access to the National Directory of New Hires to the state workforce agencies responsible for administering state or federal Unemployment Compensation programs. These provisions were designed to determine whether persons receiving unemployment compensation are working.[41]

Consolidated Appropriations Act, 2005

P.L. 108-447, the Consolidated Appropriations Act, 2005, granted access to the National Directory of New Hires to the Department of the Treasury. These provisions were designed to help the Department of the Treasury collect nontax debt (e.g., small business loans, Department of Veterans Affairs (VA) loans, agricultural loans) owed to the federal government.[42]

2006

Deficit Reduction Act of 2005

P.L. 109-171, the Deficit Reduction Act of 2005, made several changes to the CSE program. It reduced the federal matching rate for laboratory costs associated with paternity establishment from 90% to 66%, ended the federal matching of state expenditures of federal CSE incentive payments reinvested back into the program, and required states to assess a $25 annual user fee for child support services provided to families with no connection to the welfare system. It also simplified CSE distribution rules and extended the "families first" policy by providing incentives to states to encourage them to allow more child support to go to both former welfare families[43] and families still on welfare. Namely, states that chose to pass through some of the collected child support to the TANF family did not have to pay the federal government its share of such collections if the amount passed through to the family and disregarded by the state did not exceed $100 per month ($200 per month to a

> "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." (Source: President George W. Bush: "Remarks on Signing the Deficit Reduction Act of 2005," February 8, 2006.)

[40] Ibid.

[41] Ibid.

[42] Ibid.

[43] Generally speaking, pursuant to P.L. 109-171 child support that accrued before a family received TANF and after the family stopped receiving TANF went to the family, whereas child support that accrued while the family was receiving TANF went to the state and federal governments. This additional family income was expected to reduce dependence on public assistance by both promoting exit from TANF and preventing entry and re-entry to TANF.

family with two or more children) in child support collected on behalf of a TANF (or foster care) family.

In addition, P.L. 109-171 included provisions that (1) lowered the threshold amount for denial of a passport to a noncustodial parent who owes past-due child support; (2) allowed states to use the federal income tax refund offset program to collect past-due child support for persons not on TANF who are no longer minors; (3) authorized the Secretary of HHS to compare information of noncustodial parents who owe past-due child support with information maintained by insurers concerning insurance payments and to furnish any information resulting from a match to CSE agencies so that they can pursue child support arrearages; (4) 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); (5) required states to review and, if appropriate, adjust child support orders of TANF families every three years; and (6) required that medical child support for a child be provided by either or both parents.

Returned Americans Protection Act of 2006

P.L. 109-250, the Returned Americans Protection Act of 2006, granted access to the National Directory of New Hires to the state agencies that administer the Food Stamp program.[44] These provisions were designed to assist in the administration of the 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, required the Secretary of Veterans Affairs to provide the HHS Secretary with information for comparison with the National Directory of New Hires[45] for income verification purposes in order to determine eligibility for certain veteran benefits and services.[46]

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 Title IV-B and Title IV-E (of the Social Security Act) programs to the list of programs that have access to the National Directory of New Hires and other FPLS databases.

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[44] The National Directory of New Hires is a federal database of employment and unemployment insurance information administered by the Office of Child Support Enforcement within HHS. Access to these data is tightly controlled by statute, and HHS implements strong privacy, confidentiality, and security protections to protect the data from unauthorized use or disclosure. Also see footnote footnote 36.

[45] Ibid.

[46] P.L. 110-157 terminated the New Hires Directory comparison authority for the VA Secretary 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.

2009

American Recovery and Reinvestment Act of 2009

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

> "Today I have signed into law H.R. 1, the 'American Recovery and Reinvestment Act of 2009.' The Act provides a direct fiscal boost to help lift our Nation from the greatest economic crisis in our lifetimes and lay the foundation for further growth." (Source: President Barack Obama, "Statement on Signing the American Recovery and Reinvestment Act of 2009," February 17, 2009.)

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 Secretary of HHS 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; (3) required states to adopt the 2008 amendments to the Uniform Interstate Family Support Act (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.

It provided Indian tribes or tribal organizations access to the Federal Parent Locator Service by designating them as "authorized persons." 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 Section 1115 waiver authority to assist in promoting the objectives of the CSE program.

> "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 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." (John Kerry, Secretary of State, September 30, 2014.)

P.L. 113-183 included a Sense of the Congress statement that specified 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, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

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 that has been 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. In addition, it required all states to use electronic processing of automated systems for the collection and disbursement of child support payments via the State Disbursement Unit by the

transmission of 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.

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