

CHAPTER TWO – THE FEDERAL ROLE IN THE CHILD SUPPORT PROGRAM

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CHAPTER TWO

THE FEDERAL ROLE IN THE CHILD SUPPORT PROGRAM

INTRODUCTION

As discussed in Chapter One, the child support program is a partnership among the federal government, states, tribes, and local programs with major support from stakeholders in the private and nonprofit sectors. Basic responsibility for administering the day-to-day operation of the program, known as the IV-D program, is given to states and tribal child support agencies, but the federal government plays a major role in policy, oversight, monitoring, system and program support, outreach, and research, as detailed below.

Title IV-D Cases

Child support cases processed by the child support program are called “IV-D” cases, after Title IV-D of the Social Security Act. These are cases that state and tribal child support programs must service according to the rules and regulations promulgated by the federal Office of Child Support Enforcement (OCSE). A case becomes a IV-D case either by application directly to the IV-D agency for services, or by referral from a public assistance agency or a child support program.¹ State and tribal child support agencies may also, under state or tribal law, assist individuals with non-IV-D cases, but in most instances, the states and tribes do not receive federal funds for providing services in non-IV-D cases.

Relationship to Public Assistance

Certain federal programs must refer recipients of public assistance² to the IV-D agency for paternity establishment and child support enforcement services.³ Cases referred from these public assistance programs are IV-D cases. Individuals not receiving aid under any federal program may also apply to the IV-D agency for services. They must be provided services in accord with OCSE rules and regulations. These cases are also IV-D cases, but are distinguished as “nonpublic assistance” cases.

¹ Federal regulations covering the child support program can be found at 45 C.F.R. Parts 301-310 (2019).

² Public assistance refers to benefits provided under the Temporary Assistance for Needy Families program (TANF), federal foster care (IV-E), Medicaid, and Supplemental Nutrition Assistance Program (SNAP). See Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105. Some programs, such as the Title XIX Medicaid program and the IV-E foster care program, have flexibility regarding which cases are referred to the IV-D agency.

³ Further discussion of these requirements is found in Chapter Three: State, Local, and Tribal Roles in the Child Support Program.

FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT

The Office of Child Support Enforcement is located within the Administration for Children and Families (ACF), Department of Health and Human Services (HHS). The Assistant Secretary for Children and Families is the official director of OCSE, but daily operation of OCSE is directed by the Commissioner of OCSE. The OCSE central office is located in Washington, DC, and is organized into various offices and divisions with specific duties and functions. In addition, the Division of Regional Operations provides oversight of federal child support staff in each of ACF's 10 regional offices. Regional program managers in each regional office oversee staff who work directly with the states and tribes on program implementation and operations. Central and regional offices collaborate to assess state and tribal needs, to review and approve plans and plan amendments, and to provide technical assistance, policy clarification, training, and support for child support programs.

OCSE's core mission is to locate parents; establish paternity; establish, modify, and enforce support orders; and collect, distribute, and disburse support "in order to encourage responsible parenting, family self-sufficiency, and child well-being and to recognize the essential role of both parents in supporting their children."⁴ OCSE provides direction, guidance, and oversight to state and tribal child support offices and provides tools and support for activities authorized and directed by Title IV-D of the Social Security Act and other pertinent legislation.⁵

Organization of OCSE⁶

In 2020, OCSE was reorganized into the following offices and divisions:

Office of the Director and Deputy Director/ Commissioner. The Director is also the Assistant Secretary for Children and Families and is directly responsible to the Secretary for carrying out OCSE's mission; the office

- Provides leadership and direction for the Office of Child Support Enforcement and supervises the Deputy Commissioner and the Office of Audit.⁷

⁴ Statement of Organization, Functions, and Delegations of Authority, 85 Fed. Reg. 78,856 (Dec. 7, 2020).

⁵ *Id.*

⁶ OCSE was reorganized, effective December 7, 2020. This section reflects that reorganization; Statement of Organization, Functions, and Delegations of Authority, 85 Fed. Reg. 78,856 (Dec. 7, 2020).

⁷ The duties of the Office of the Director/Deputy Director/Commissioner and the Office of the Deputy Commissioner are outlined in Statement of Organization, Functions, and Delegations of Authority, 85 Fed. Reg. 78,856 (Dec. 7, 2020).

Office of the Deputy Commissioner

- Assists the Commissioner in carrying out the responsibilities of OCSE and supervises all OCSE division directors except the Director of the Office of Audit.

Office of Audit⁸

- Provides guidance and counsel to the OCSE Commissioner for oversight and audit functions by planning, scheduling, and conducting various audits of state child support programs in accordance with audit standards promulgated by the Comptroller General.
- Performs data reliability audits at least once every three years, or more often if a state has not met performance standards or failed a prior audit, to determine the completeness and reliability of state performance indicator data, which is reported on federal statistical and financial forms. The results of these data reliability audits are used as the basis for the payment of performance-based financial incentives to the state. These audits include testing of systems data to ensure that it is valid, complete, and reliable. The audits also include a review of the state's physical security and access controls.
- Conducts audits to determine the adequacy of the financial management of state child support programs to ensure the proper use and accounting of federal funds and ensure that collection and disbursement of support payments are properly accounted for and carried out correctly.
- Conducts other audits and program examinations as necessary or requested by the Secretary of HHS or their designee.
- Coordinates and maintains effective liaison with the appropriate federal, local, and audit industry partners.

Division of Business and Resource Management

- Responsible for the overall management and operation of administrative services for OCSE.
- Leads all efforts related to the OCSE operating budget, personnel, contracts and acquisition, and space management.

⁸ For additional information on the types and scope of Federal audits of the state child support program, see 45 C.F.R. § 305.60 (2019).

Division of Customer Communications

- Provides direction and leadership for key internal and external OCSE communications that educate, empower, and engage child support program staff, customers, stakeholders, and the general public.
- Responds to inquiries received from customers, elected officials, government agencies, and others regarding the child support program and individual cases.
- Develops guides, resources, and information materials, including the *Child Support Report*, which are available to child support professionals and other interested parties. This material is accessible on the OCSE website.
- Coordinates outreach and communications campaigns about the child support program through print, web, and social media.
- Provides information and toolkit resources to support best practices and initiatives developed by state and tribal child support programs.

Division of Policy and Training

- Proposes and implements national policy for the child support program.
- Provides policy guidance and interpretations to states and tribes in developing and operating their programs according to federal law.
- Develops legislative proposals and regulations to implement new legislation, court decisions, or directives, and provides comments on pending legislative proposals.
- Develops state and tribal plan requirements for operation of child support programs, and procedures for the review and approval of state and tribal plans.
- Coordinates with the Office of General Counsel on pending departmental appeals and collaborates with ACF on audit resolutions.
- Serves as the Central Authority for international child support cases.
- Provides dedicated staff to assist with international cases and issues.
- Provides national direction and leadership for OCSE training activities to increase child support program effectiveness at federal, state, and tribal levels; coordinates all training activities; and provides logistical support for training events, meetings, and conferences.

- Designs curricula to train child support professionals on various aspects of the program and provides support to state and tribal training staff.
- Provides web-based and other forms of training to state and tribal child support programs.
- Facilitates technology transfer of best practices between states and tribes to improve program performance.

Division of Program Innovation

- Develops, evaluates, and refines new strategies to improve child support program effectiveness. Disseminates information about promising and evidence-based practices and training tools.
- Manages research and demonstration projects, including Section 1115 Demonstration Grants⁹ and Special Improvement Project (SIP) grants,¹⁰ to promote innovation and build the child support evidence base.
- Administers the Access and Visitation Grant Program,¹¹ a mandatory grant program that provides funding to all states and territories to support services that help children have increased time with their noncustodial parents, when it is safe and healthy to do so.
- Implements special projects of regional or national significance.
- Builds collaborations with federal, state, tribal, local, and community agencies to improve child support services. Collaborates and coordinates with other partners, such as fatherhood organizations, domestic violence organizations, employment services, and courts.

Division of Regional Operations

- Provides direct oversight of all child support regional program offices, including implementation of child support regional operations, policies, budgets, and program compliance of all 10 regions; and ensuring there are customer-focused partnerships to child support programs and services.
- Manages public inquiries and oversees the preparation of formal responses to external inquiries for child support program information and assistance in obtaining child support services.

⁹ Section 1115 of the Social Security Act, codified at 42 U.S.C. § 1315 (2018).

¹⁰ Section 452(j) of the Social Security Act, codified at 42 U.S.C. § 652(j) (2018).

¹¹ Section 469B of the Social Security Act, codified at 42 U.S.C. § 669(b) (2018).

- Oversees the tribal child support enforcement programs and provides consultation and assistance to Indian tribes and tribal organizations to aid in the development of tribal programs.

Child Support Enforcement Regional Offices

- Provides program and technical administration of the ACF entitlement and discretionary programs related to OCSE.
- Collaborates with the ACF central office, states, tribes, and other external programs and grantees on all significant program and policy matters.
- Provides technical assistance and training to entities responsible for administering OCSE programs to resolve identified problems.
- Ensures that state and tribal child support programs adopt appropriate procedures and practices.
- Works with appropriate state, tribal, and local offices to develop and implement best practices.
- Monitors the programs to ensure their efficiency and effectiveness and to ensure these entities conform to federal laws, regulations, policies, and procedures governing the programs.¹²

Division of Federal Systems

- Manages multiple systems that are critical to the business mission of the child support program, including the following:

Federal Parent Locator Service (FPLS)¹³, which comprises these databases:

- National Directory of New Hires (NDNH), a database of employment data; and
 - Federal Case Registry of Child Support Orders (FCR), a database of child support cases and orders.
- Responsible for all aspects of the FPLS, including system design, development, maintenance, and operation.

Child Support Portal, which provides authorized users a secure gateway into FPLS web applications.

¹² A map of ACF regions is available at <https://www.acf.hhs.gov/oro>.

¹³ Additional information about the FPLS is available at <https://www.acf.hhs.gov/css/child-support-professionals/systems/federal-systems-services>.

Debtor File, a database of noncustodial parents who owe past-due support that helps states and tribes collect past-due support through the Federal Income Tax Refund Offset, Administrative Offset, and Passport Denial programs, and the Multistate Financial Institution Data Match and Insurance Match programs.

- Provides outreach, technical support, and training to program partners to ensure that they use the FPLS systems to their maximum benefit.
- Provides outreach, technical support, and training to states, employers, and courts to improve processes related to income withholding.
- Works closely with program stakeholders and partners to provide a portfolio of systems, applications, and initiatives to perform the following:

Collect location, income, and asset information from federal, state, and private data sources and share that data with state child support agencies for child support purposes, as well as with authorized federal and state agencies for determining eligibility and reducing erroneous payments and overall program costs;

Collect and enforce child support through automated applications, including initiating activities at the federal level on behalf of state child support agencies;

Facilitate electronic communication and data exchange; and

- Provides data to authorized federal and state government agencies to assist in measuring and/or improving child support and public benefit programs, and using business intelligence tools for logical analysis of large datasets.
- Provides guidance, analysis, technical assistance, and oversight to state and tribal child support programs regarding performance measurement.
- Provides statistical, policy, and program analysis.
- Provides synthesis and dissemination of data sets to inform the program.
- Provides application of emerging technologies, such as business intelligence and data analytics, to improve and enhance the effectiveness of programs and service delivery.
- Responsible for collection, compilation, analysis, and dissemination of state and tribal data to Congress and the general public.

Division of State and Tribal Systems

- Reviews, analyzes, and approves or disapproves state and tribal requests for federal funding for automated systems that support the child support program.
- Monitors approved state and tribal system development activities.¹⁴
- Provides assistance to states and tribes in developing and maintaining their statewide automated child support systems.
- Conducts periodic reviews and certifies the systems to ensure compliance with federal requirements.
- Provides guidance and facilitates technology transfer between states and tribes to improve the administration of child support programs.

CONCLUSION

As the child support program continues to respond to the needs of today's children, OCSE will remain a full partner with regional, local, tribal, public, and private agencies to strengthen entire families.

¹⁴ See 45 C.F.R. § 310.40 (2019).

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