

CHAPTER TWO

THE FEDERAL ROLE IN THE CHILD SUPPORT ENFORCEMENT PROGRAM

INTRODUCTION

Congress has shown a persistent interest in child support enforcement since the early 1950's, but efforts to pass effective child support legislation did not intensify until the mid- to late 1960's.

The Social Security Amendments of 1965¹ authorized the use of Social Security records to locate parents. Under this legislation, States could gain access to Social Security records through the Social Security Administration to obtain recent addresses and places of employment for noncustodial parents.

Next followed the Social Security Amendments of 1967,² providing States access to Internal Revenue Service (IRS) records to obtain noncustodial parents' addresses. This law, which amended Title IV of the Social Security Act, also required State welfare agencies to establish a single unit whose mission was to collect child support and establish paternity for children on public assistance. States had to work cooperatively with each other under child support reciprocity agreements and with courts and law enforcement officials.

Despite these efforts, by 1972, it was clear from the rapid increase in numbers of welfare recipients that the 1967 amendments had not produced the intended results. The Senate Finance Committee, under the chairmanship of Russell Long, compiled data on Aid to Families with Dependent Children (AFDC) costs and child support enforcement and continued to push for a comprehensive Child Support Enforcement (CSE) program. Its efforts led to passage of House Rule 17045 on December 20, 1974. President Ford signed the bill into law on January 4, 1975, as the Social Security Amendments of 1974.³ Part B enacted Title IV-D of the Social Security Act, which created the Program for Child Support Enforcement and Establishment of Paternity.

Since 1975, Congress has examined a number of legislative initiatives and almost every year has passed bills that address such things as funding for States, additional child support collection remedies, and mandated State recordkeeping and enforcement activities. The Child Support Enforcement Amendments of 1984⁴, the Family Support Act of 1988,⁵ and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,⁶ are the most

¹ P.L. No. 89-97 (1965).

² P.L. No. 90-248 (1967).

³ P.L. No. 93-647 (1974).

⁴ P.L. No. 98-378 (1984).

⁵ P.L. No. 100-485 (1988).

⁶ P.L. No. 104-193 (1996).

significant enactments since the Child Support Enforcement (CSE) program was established. Appendix 1 provides a chronological legislative history of Congress' child support activities.

Cases with Federal Involvement

Child support cases in which the Federal Government has an interest are called "IV-D" cases, after Title IV-D of the Social Security Act. These are cases that must be serviced 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 aid program. State CSE agencies may, under State law, also assist individuals with non-IV-D cases, but those cases do not need to be processed under OCSE rules nor does the State receive Federal funds for the provision of services.

Relationship to Public Assistance

Recipients of public assistance under certain Federal programs must be referred to the IV-D agency for paternity establishment and child support enforcement services.⁷ Cases referred from these public assistance programs are IV-D cases. Individuals not receiving aid under any Federal program, however, can also apply to the IV-D agency for services. They must be provided services in accord with OCSE rules and regulations. These cases, although they are IV-D cases, are distinguished as "nonpublic assistance" cases.

FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE)

The Office of Child Support Enforcement is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). OCSE's mission is to provide direction, guidance, and oversight to State and Tribal CSE program offices for activities authorized and directed by Title IV-D of the Social Security Act and other pertinent legislation. The Assistant Secretary of Children and Families is the official director of OCSE, but daily operation of the Office is directed by the Deputy Director/Commissioner. The OCSE central office is located in Washington, DC and is organized into various offices and divisions with specific duties and functions. In addition, there are Federal child support enforcement staff in each of ACF's 10 regional offices. Regional Office staff work directly with the States on program implementation and operations. Central and regional offices collaborate to assess State needs, and to provide technical assistance, policy clarification, training, and support for CSE programs.

⁷ Further discussion of these requirements is found in Chapter Three: State and Local Roles in the Child Support Enforcement Program.

Major Functions Provided by OCSE

Policy Development and Guidance

- Proposes and implements national policy for the CSE 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.
- Reviews and approves State and Tribal plans for operation of CSE programs.

Audit

- Performs audits of State CSE at least every 3 years, or more often if a State has not met performance standards, to assess the reliability of State financial and statistical data.
- Examines State computer systems and the data they generate.
- Ensures proper use of Federal funds and examines processing and accounting procedures used in the collection and disbursement of support payments.
- Provides guidance to States as they develop mechanisms for evaluating State program performance.

Federal Systems – Oversees the operations of the following systems:

- Federal Parent Locator Service (FPLS) – FPLS is a computer-matching system with access to information sources such as the Internal Revenue Service, the Social Security Administration, Veterans Affairs, the Department of Defense, and the FBI. The FPLS assists in the location of parents, order identification, and data verification.⁸
- Federal Case Registry (FCR) – The FCR is a component of the expanded FPLS. It contains key information on orders entered in child support cases throughout the country.⁹

⁸ For information on the FPLS, see Chapter Five: Location of Noncustodial Parents and their Assets.

⁹ For information on the FCR, see Chapter Five: Location of Noncustodial Parents and their Assets.

- National Directory of New Hires (NDNH) – The NDNH is another component of the expanded FPLS. It contains a list of all employees hired by employers in the United States obtained through New Hire Reporting.¹⁰ It also contains quarterly wage and unemployment compensation information.
- Federal Offset Programs – Federal programs enable enforcement of child support orders through the offset of Federal monies due to the obligor.¹¹
- Multistate Financial Institution Data Match (FIDM) – OCSE operates a central multistate FIDM process, allowing States to match at the national level with financial institutions that do business in their States as well as in other States.¹²

State and Tribal Systems

- Provides assistance to States and Tribes in developing and maintaining their statewide automated CSE systems.
- 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 CSE programs.

Information Dissemination, Outreach, and Public Inquiries

- Develops guides, resource, and information materials, including the **Monthly Child Support Report**, which are available to CSE professionals and other interested parties. These materials are available through the National Reference Center, and electronically via the OCSE Internet site and the National Electronic Child Support Resource System (NECSRS).
- Coordinates outreach to community and faith-based service organizations and special populations such as the Hispanic community.
- Responds to inquiries received from the public or governmental agencies regarding the CSE program.

¹⁰ For information on the FPLS, see Chapter Five: Location of Noncustodial Parents and their Assets

¹¹ For information on the Federal Offset Programs, see Chapter Ten: Enforcement of Support Obligations.

¹² For information on Multistate FIDM, see Chapter Five: Location of Noncustodial Parents and their Assets.

Training and Technical Assistance

- Designs curricula to train State CSE workers on various aspects of the program and provides support to State training staff.
- Provides web-based training, conducts conferences, and provides States with training as requested.
- Identifies and provides information in all aspects of State and Tribal CSE best practices.
- Facilitates technology transfer of best practices between States and Tribes to improve program performance.
- Provides consultation and assistance to Indian Tribes and Tribal organizations to aid in the development of Tribal CSE programs.
- Provides special liaison for special initiatives and partners, e.g., the judiciary and the military.

Special Projects

- The Big 8+1 initiative addresses special concerns of, and provides assistance to, the States with the largest caseloads.
- Project Save Our Children (PSOC), with the cooperation of the Department of Justice, identifies, investigates, and prosecutes, when appropriate, flagrant, delinquent child support offenders.
- Interstate initiatives, including special liaison staff, an interstate curriculum, training for caseworkers, attorneys, and the judiciary, and specialized publications, are designed to increase and facilitate collections of child support across State lines.

Research, Demonstrations, and Evaluation

- Collects, analyzes, and disseminates data.
- Provides technical assistance in performance measurement, demonstration testing, statistical analysis, and application of new technologies and research findings.
- Provides guidance on measuring effectiveness and improvements in CSE programs.

- Offers two types of grant programs: Section 1115 Demonstration Grants available only to State IV-D agencies and Special Improvement Project (SIP) grants available to a wider audience, including faith-based organizations. These grants allow the exploration of innovative program practices to improve child support program performance, such as services to incarcerated noncustodial parents and other fatherhood initiatives.

CONCLUSION

The Child Support Enforcement program is a cooperative undertaking by Federal, State, Tribal, and local entities. Federal, regional, State, Tribal, and local partners work together with a variety of government entities to locate parents, establish paternity, establish, modify, and enforce support orders, and collect and distribute child support payments.¹³

¹³ 42 U.S.C. § 652(a)(10) (Supp. V 1999).

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