

## Child Support Basics

Wally McClure (Ravenwings Consulting) and Jessica Pearson, Ph.D. (Center for Policy Research)

Child support is the payment that noncustodial parents (NCPs) are obligated to pay for the financial support of their children. Established in 1975 to reimburse the government for public assistance payments paid to families, the program now has broader goals to serve the whole family.<sup>1</sup>

### Child Support Highlights

- Nearly 13 million children receive child support services.<sup>1</sup>
- In 2021, child support agencies collected 67% of current monthly child support that was due and sent 95% of all collections (\$28 billion) to children and families.<sup>2</sup>
- Child support payments are credited with raising more than 1 million recipients out of poverty annually but impoverish 200,000 NCPs and their new families.<sup>3</sup>

- Each U.S. state and territory, the District of Columbia, and 60 Native American tribes have a child support agency. For U.S. states and territories and the District of Columbia, the federal government pays 66 percent and states pay 34 percent of program costs. For tribal child support programs, the federal government pays 80 percent and tribes pay 20 percent of costs.<sup>1</sup>
- The federal government sets primary rules and program requirements. Variations in rules and policies are made at the state and tribal levels, and in many states, at the county level too.<sup>1</sup>

### How to open a child support case

- Child support is usually established during divorce or when unmarried parents separate. The state opens a child support case when the family receives benefits such as Medicaid or cash assistance through the Temporary Assistance for Needy Families (TANF) program.<sup>1</sup>
- Families not receiving TANF cash assistance or other benefits can choose to open a child support case with the state by completing a form and paying an application fee, which some states waive.<sup>1</sup>

### Cooperation and good cause not to cooperate

- All families receiving TANF are required to “cooperate” by opening a child support case, helping to locate the non-custodial parent (NCP), and establishing an order.<sup>1</sup>
- Some states also require cooperation for those who receive food stamps through the Supplemental Nutrition Assistance Program (SNAP), childcare in the Child Care Subsidy Program, or Medicaid.<sup>1</sup> Failure to cooperate with child support may result in a reduction in the family’s TANF or other public benefits.<sup>1</sup>
- Families receiving TANF and other benefits must “assign” child support payments made on their case to repay the state and federal government.<sup>1</sup> About half of the states (24) retain all the money from these TANF repayments, and 26 “pass through” some or all of the collections to the family.<sup>4</sup>
- Families who receive public benefits can apply for a “good cause” exemption to not cooperate with child support if it would physically or emotionally endanger them.<sup>1</sup> Some states require documented proof of danger, such as court or police records, which may not exist or be difficult to obtain, while some allow for an attestation by the parent stating that danger exists.<sup>5,6</sup> States are allowed to close cases for good cause if working with child support is determined as dangerous.<sup>7</sup>

### Child support provides the following major services

**Locating the other parent** means finding the NCP if the custodial parent lacks necessary information.

- Child support agencies have access to federal and state computer systems with information on the parents and children involved in all child support cases anywhere in the nation.
- Each state has a computer system that receives information from various sources to locate parents, including from employers, motor vehicle registries, tax files, and employment and unemployment records.<sup>1</sup>

**Establishing paternity** means legally identifying the father in opposite-sex couples and parentage for same-sex couples.

- Paternity or parentage is presumed if the child is born during their parents’ marriage.
- Paternity or parentage can be established if parents who are not married to each other both sign an acknowledgement of parentage. This is often done at the hospital upon the birth of the child.

- If parents are unmarried and paternity or parentage has not been established voluntarily, it can be established by court order.<sup>1</sup>

**Establishing a child support order** means generating a legal document that obligates an NCP to provide financial support for their children.

- Child support order amounts are based on state-established guidelines or formulas that consider parental income and child need. Order amounts can be legally revised if circumstances change.<sup>1</sup>

#### **Collecting and enforcing child support orders**

- Most payments (63%) are collected from the NCP through wage deductions by their employer.
- Payments are usually sent to the custodial parent within two business days of collection.
- Other enforcement methods include intercepting federal and state tax refunds; filing liens against property; suspending drivers, professional, or recreational licenses; and denying passports.
- Parents who do not pay can also face contempt-of-court procedures and incarceration.<sup>1</sup>

Unlike a divorce decree, which must address custody and visitation along with child support, child support agencies rarely assist unmarried parents with these issues (known as parenting time). However, agencies may briefly address these matters during a child support hearing if the parents present a written agreement about how the child's time will be divided.<sup>1</sup>

Child support agencies do not represent either parent. Rather, they represent the state and the best interest of the child.<sup>1</sup> Parents may hire an attorney to represent their interests.

Child support agencies receive monetary incentives from the federal government based on how well the agency performs in establishing paternity, establishing orders, collecting support, and cost-effectiveness.<sup>1</sup>

#### **Other information**

Although child support agencies operate under strict confidentiality guidelines that aim to protect private information from release to the other parent, safety risks for domestic violence survivors can arise at multiple stages of the child support process. These stages include the TANF cooperation requirement, the order establishment process, and the use of certain enforcement remedies. Confidential information may also appear in certain public court records.

Research suggests there are racial disparities in some child support treatments and outcomes.<sup>8</sup> The Office of Child Support Services (OCSS) is launching a funded project to investigate disproportional access to child support and work toward promoting fairness in child support services and policies.<sup>9</sup>

#### **Common child support terms**

**IV-D** (*commonly referred to as "4D"*) – Title IV-D of the Social Security Act, which establishes child support agencies and sets federal standards for them.

**Acknowledgement of Parentage (or Acknowledgement of Paternity)** – A form signed by the mother and the other parent in the hospital or at any time before the child's emancipation that is sent to the jurisdiction's vital records and becomes irrevocable without court action.

**Assignment** – Child support owed to a parent that is retained by the state as reimbursement for cash public assistance (i.e., TANF) paid on behalf of the child.

**Cooperation / Noncooperation** – Custodial parents receiving assistance may be required to cooperate with the child support agency in establishing and collecting support. Not cooperating may lead to a financial penalty (sanction).

**Custodial parent** – The person the child lives with most of the time. May also be referred to as the custodial party, obligee, or person receiving support.

**Noncustodial parent (NCP)** – The parent expected to pay support. May also be referred to as the absent parent, obligor, or person paying support.

**Genetic (or DNA) testing** – Tests performed by labs to determine the probability of a person’s parentage. In cases where parentage is contested, parentage may be resolved using genetic testing. Parties can request tests if they are unsure about who the other parent is. Genetic testing is often not applicable in cases with same-sex parents.

**Family Violence Indicator (name may vary by state)** – A field in each state’s child support computer system that indicates family violence has been raised as an issue and prevents certain information from being automatically shared by the federal case registry.

**Office of Child Support Services (OCSS)** – The federal office that administers the child support program. OCSS is part of the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS). OCSS was previously known as the Office of Child Support Enforcement (OCSE). The change occurred on June 2, 2023.<sup>10</sup>

**Uniform Interstate Family Support Act (UIFSA)** – Each state and territory has a version of this law, which sets standards on how states work with other jurisdictions to establish and enforce child support.

A comprehensive list of child support terms and acronyms is available at: <https://www.acf.hhs.gov/css/glossary>

### References:

<sup>1</sup> Tollestrup, J. (2022). *Child support enforcement: Program basics. RS22380*. Congressional Research Service.

<https://crsreports.congress.gov/product/pdf/RS/RS22380/40>

<sup>2</sup> Office of Child Support Enforcement. (2022). *FY 2021 Preliminary data report and tables*. <https://www.acf.hhs.gov/css/policy-guidance/fy-2021-preliminary-data-report-and-tables>

<sup>3</sup> Fox, L. (2018). *Supplemental poverty measure: 2017. Report number P60-265*. U.S. Census Bureau.

<https://www.census.gov/library/publications/2018/demo/p60-265.html>.

<sup>4</sup> Pearson, J., & Wildfeuer, R. (2022). *Policies and programs affecting fathers: A state-by-state report*. Chapter 2: Child Support. Center for Policy Research and Fatherhood Research & Practice Network. <https://www.frpn.org/asset/policies-and-programs-affecting-fathers-state-state-report-chapter-2-child-support-updated>

<sup>5</sup> Roberts, P. (2005). *Child support cooperation requirements and public benefit programs: An overview of issues and recommendations for change*. Center for Law and Social Policy. <https://www.clasp.org/sites/default/files/public/resources-and-publications/files/0252.pdf>

<sup>6</sup> Turetsky, V. (1998). *State child support cooperation and good cause: A preliminary look at state policies*. Center for Law and Social Policy.

<https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/0028.pdf>

<sup>7</sup> Case Closure Criteria, 45 CFR 303.11(b)(14). <https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-303>

<sup>8</sup> McDandiel, M., Woods, T., Pratt, E., & Simms, M. (2017). *Identifying racial and ethnic disparities in human services: A conceptual framework and literature review*. Urban Institute. [https://www.urban.org/sites/default/files/publication/94986/identifying-racial-and-ethnic-disparities-in-human-services\\_1.pdf](https://www.urban.org/sites/default/files/publication/94986/identifying-racial-and-ethnic-disparities-in-human-services_1.pdf)

<sup>9</sup> Office of Child Support Enforcement. (2023). *Advancing equity in child support. HHS-2023-ACF-OCSE-FD-0022*.

<https://www.grants.gov/web/grants/view-opportunity.html?oppld=343843>

<sup>10</sup> Office of Child Support Services. (2023). *Name change to office of child support services (OCSS). IM-23-02*. <https://www.acf.hhs.gov/css/policy-guidance/name-change-office-child-support-services-ocss>