

ERICSA 2015: Building Sweet Futures for ...



# Every Comment Counts:

Crash Course in Policy and Legislation and the Role of  
the Federal Office of Child Support Enforcement

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# + Our Mission

Enhance the well-being of children by assuring that assistance in obtaining support—financial and medical—is available to children through:

Locating  
Parents

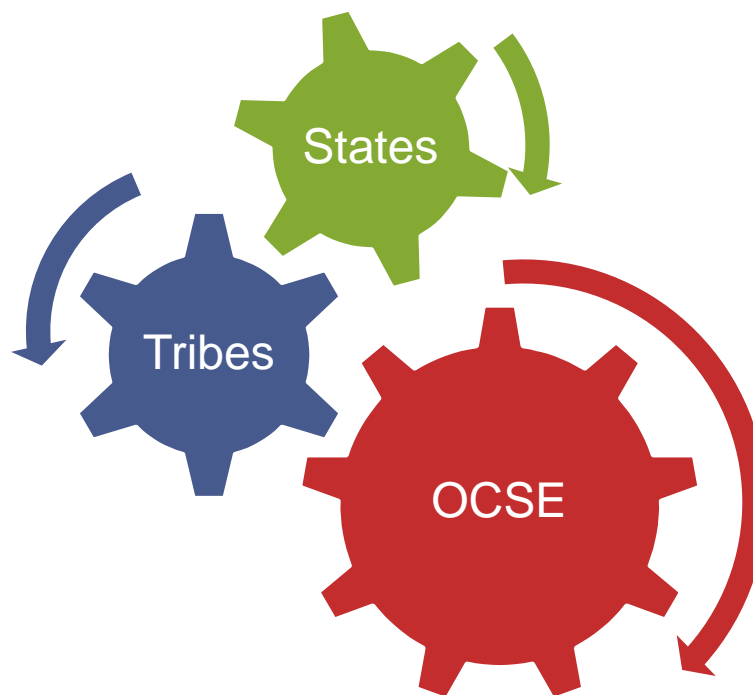
Establishing  
Paternity

Establishing  
Support  
Obligations

Monitoring  
and  
Enforcing  
Obligations

# + What is the Child Support Program?

*Federal, state and tribal child support agencies work together to collect and distribute child support payments and to provide health care coverage*



# + Tribal Programs

41  
Comprehensive  
IV-D Tribal  
Programs  
9 Start-up IV-D  
Tribal Programs

Final Rule on  
Tribal Child  
Support  
Enforcement  
Programs, 69 FR  
16638, March 30,  
2004 (See AT-04-  
01)

Final Rule on  
Computerized  
Tribal IV-D  
Systems and  
Office Automation,  
75 FR 8508,  
February 25,  
2010 (See AT-10-  
01)



# + State Functions



Establish paternity



Locate noncustodial parents

Review & adjust orders

Establish orders (including medical support)

Collect support


Cooperate in intergovernmental enforcement

Monitor & distribute collections


# + Federal Functions




- Operates the FPLS – important tools for locate & enforcement



- Operates federal enforcement remedies such as federal tax refund offset and passport denial



- Collaborates with other agencies and organizations for child and family welfare



- Administers Access and Visitation program




- Oversees demonstration grants




- Oversees special improvement projects grants

# + Federal Functions



- Provides funding at 66% Federal Financial Participation (FFP) for states



- Provides 90% FFP for the first three years of a fully operational (comprehensive) tribal program and 80% thereafter



- Provides policy guidance



- Provides training and technical assistance



- Monitors compliance with federal and state law

# + Evolution of the Child Support Program

Evolved from a welfare cost-recovery mechanism to a family support program

Emerged as one of “big three” income supplement programs for low-income children living in custodial-parent families

Since 1993 (with PRWORA’s passage):

- Annual child support collections have more than tripled \$11B to almost \$34B
- Total number of paternities established/acknowledged per year has doubled
- Cases with a child support order have increased 83.1%
- Amount of child support collected for every dollar spent on the program has increased from \$3.59 to \$5.31



**Slide 8**

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**n19**

Recommend moving this slide to just after "Legislative History"

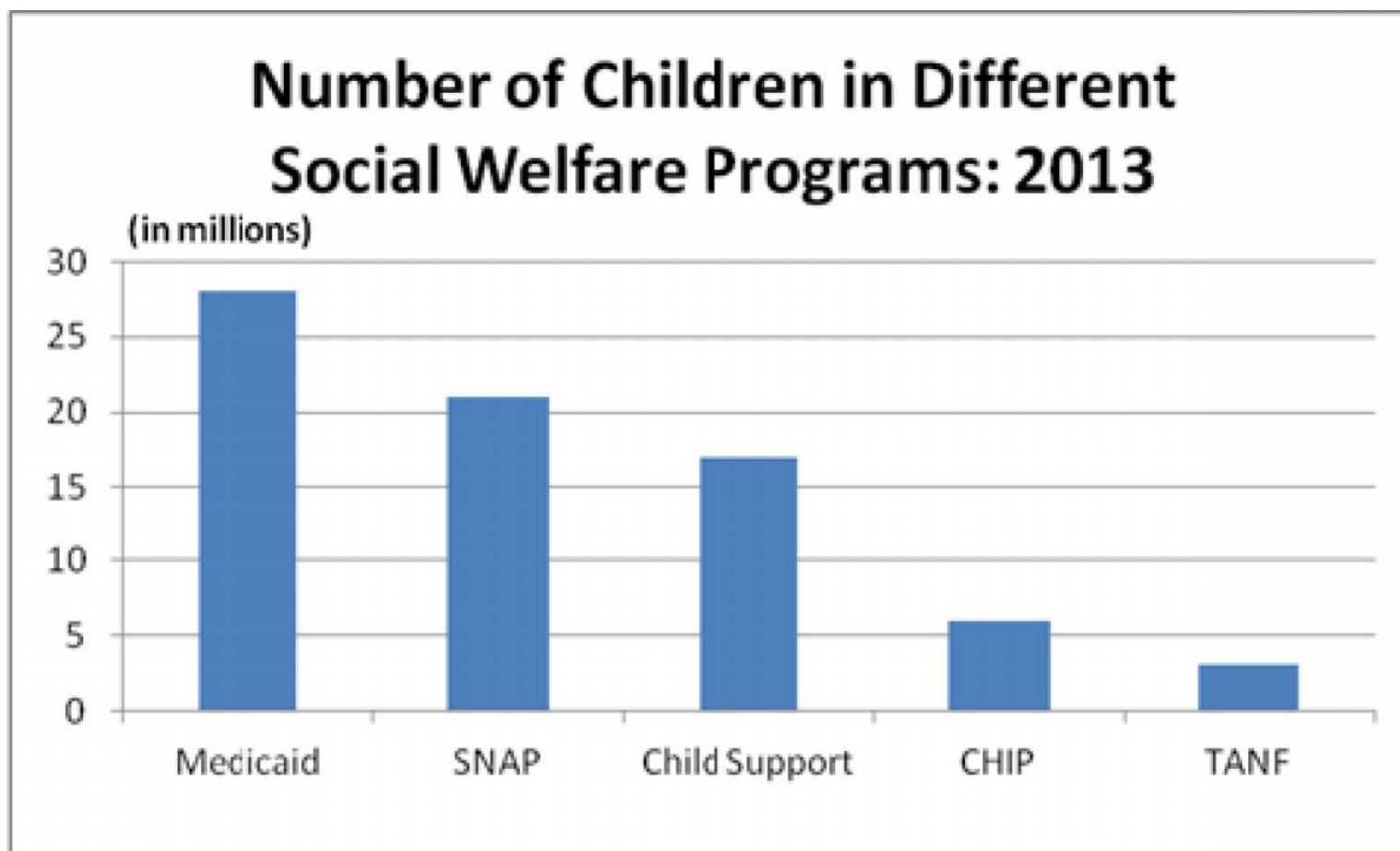
nbarbeau, 8/3/2011

# + Caseload & Outcomes Data

Based on FY 2013 Preliminary Annual Report

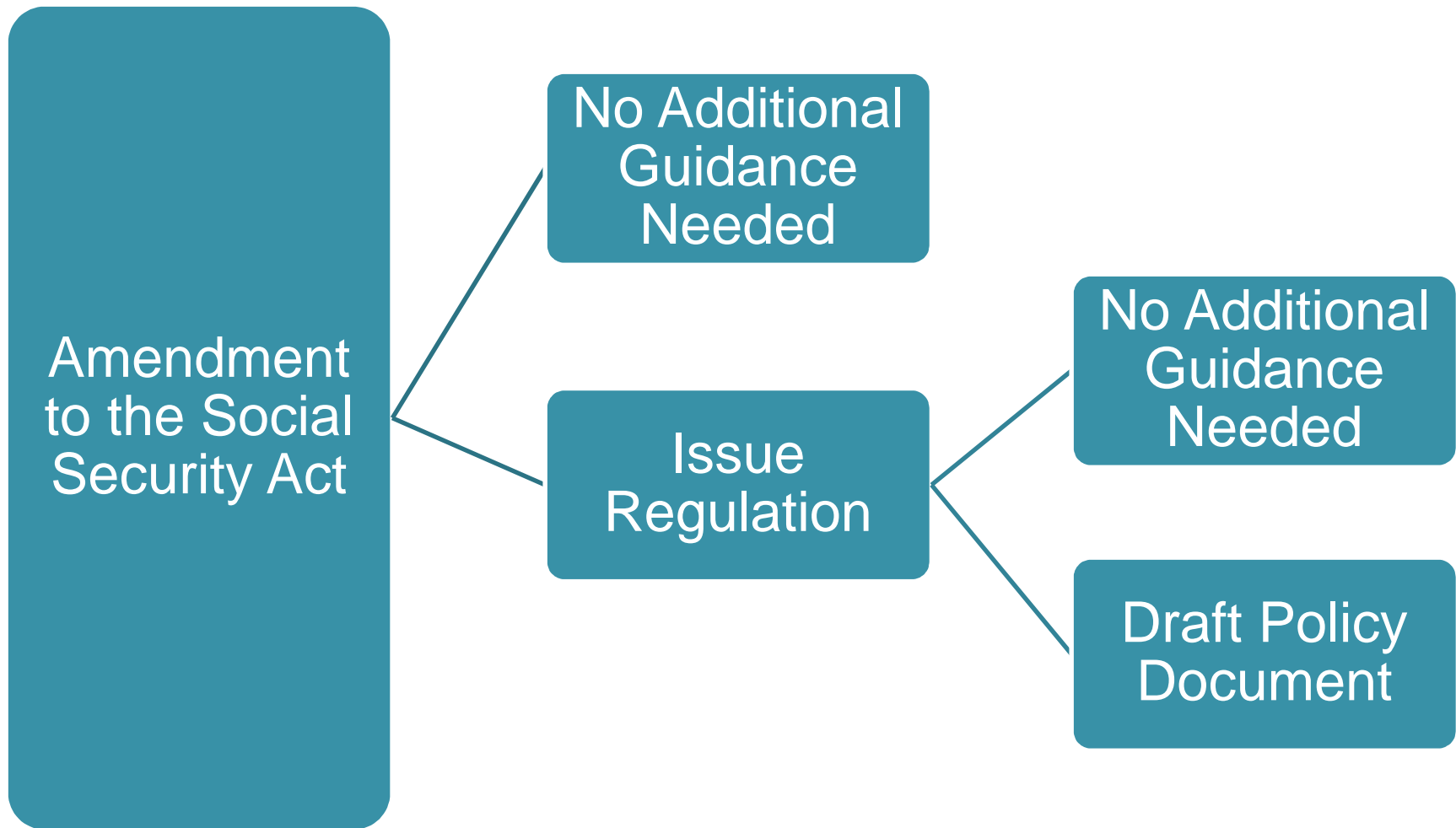
Caseload	<ul style="list-style-type: none"><li>• 15.6 million total cases</li></ul>
Collections Due and Distributed	<ul style="list-style-type: none"><li>• Support due – over \$33.9 billion</li><li>• Support collected – more than \$28 billion</li></ul>
Cost-effective ratio	<ul style="list-style-type: none"><li>• \$5.31 collected per \$1 spent</li></ul>
Paternities established	<ul style="list-style-type: none"><li>• 1.6 million</li></ul>
Children	<ul style="list-style-type: none"><li>• 16.9 million</li></ul>
Arrearages	<ul style="list-style-type: none"><li>• \$116.1 billion due</li></ul>

# + Children Participating in Select Social Welfare Programs



Source: Urban Institute; 2013

# What are the Pieces??



# Statute and Regulations

## **Statute:**

Title IV-D of the Social Security Act,  
Sections 451 – 469A

(U.S. Code: 42 U.S.C. 651 – 669A)

## **Code of Federal Regulations:**

45 CFR 300 – 310

# Regulations Are...

- Policy that implements, interprets, and/or prescribes law or policy
- Issued by federal agencies (executive branch)
- Policy that has the authority of federal law (equal to statute)

# Authority to Write Regulations

- Congress delegates (through statute) the authority to write regulations to federal agencies
- Authority can be general or specific
- OCSE's general regulation-writing authority comes from Section 1102 of the SSA

# When Do We Write Regulations?

Triggers:

- Statutory mandate
- Technical implementation of a statute
- Advances in technology
- White House Executive Order
- Public input
- Other reasons: An event, Court decision



# How Do We Write Regulations?

## Process Overview

- Plan and propose change(s) to the child support program in the child support regulations.
- Ask for public comment.
- Revise and finalize regulations based on public comments.

Tools: NPRM and Final Rule

# Stages of Regulation Writing

1. Pre-step: Authorization  
and/or  
Programmatic/Policy  
Justification
2. Planning the Draft  
Regulation
3. Draft Development

# Stages of Regulation Writing Continued

4. Review and Clearance of the NPRM
5. Publication in the Federal Register
6. Public Participation

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 433**

[CMS–2343–P]

RIN 0938–AR92

**Administration for Children and Families**

**45 CFR Parts 301, 302, 303, 304, 305, 307, 308, and 309**

RIN 0970–AC50

**Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs**

**AGENCY:** Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) and the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This NPRM is intended to carry out the President's directives in *Executive Order 13563: Improving Regulation and Regulatory Review*. The NPRM proposes revisions to make Child Support Enforcement program operations and enforcement procedures more flexible, more effective, and more efficient by recognizing the strength of

Health and Human Services, Attention: Director, Division of Policy, Mail Stop: OCSE/DP, 370 L'Enfant Promenade SW., Washington, DC 20447.

You also may send comments via overnight service to: Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, Attention: Director, Policy Division, Mail Stop: OCSE/DP, 901 D Street SW., Washington, DC 20447.

You also may submit comments by facsimile to (202) 260–5980. Comments will be available for public inspection. To schedule an appointment, please call (202) 401–9271.

**FOR FURTHER INFORMATION CONTACT:**

Anne Miller, Division of Policy, OCSE, telephone (202) 401–1467, email: [anne.miller@acf.hhs.gov](mailto:anne.miller@acf.hhs.gov) or Barbara Addison, Division of Policy, OCSE, telephone (202) 401–5742, email: [barbara.addison@acf.hhs.gov](mailto:barbara.addison@acf.hhs.gov). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

**SUPPLEMENTARY INFORMATION:**

**Submission of Comments**

Comments should be specific, address issues raised by the proposed rule, propose alternatives where appropriate, explain reasons for any objections or recommended changes, and reference the specific action of the proposed rule that is being addressed. Additionally, we will be interested in comments that

Automated Data Processing, section 454B Collection and Disbursement of Support Payments, section 455 Payment to States, section 456 Support Obligations, section 457 Distribution of Collected Support, section 458 Incentive Payments to States, section 459 Consent by the United States to Income Withholding, Garnishment, and Similar Proceedings for Enforcement of Child Support and Alimony Obligations, section 460 Civil Actions to Enforce Support Obligations, section 464 Collection of Past-due Support From Federal Tax Refunds, section 466 Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement, and section 467 State Guidelines for Child Support Awards.

**Background**

The Child Support Enforcement program is intended to ensure that noncustodial parents provide financial support for their children. Child support payments play an important role in reducing child poverty, lifting approximately one million families out of poverty each year. In 2012, the Child Support Enforcement program collected \$27.7 billion in support payments for the families in State and Tribal caseloads. During this same period, 82 percent of the cases had support orders, and nearly 72 percent of cases with orders had at least some payments during the year.

The proposed rule makes changes to strengthen the Child Support

# Federal Register

- Published by the Office of the Federal Register, National Archives and Records Administration (NARA)
- Official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents
- Updated Daily by 6 a.m.
- Published Monday through Friday, except holidays

**DATES: Consideration will be given to** written comments received by February 6, 2009.

**ADDRESSES: Send comments to: Office of** Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW., 4th Floor, Washington, DC 20447, Attention: Director, Division of Policy, Mail Stop: OCSE/DP. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5 p.m. on the 4<sup>th</sup> floor of the Department's offices at the above address. You may also transmit written comments electronically via the Internet at: <http://www.regulations.gov>. To download an electronic version of the rule, you may access [http:// www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Yvette Hilderson Riddick, OCSE Division of Policy, 202-123-4567, email: [Yvette.Riddick@acf.hhs.gov](mailto:Yvette.Riddick@acf.hhs.gov). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 between 8 a.m. and 7 p.m. eastern time.

# Public eComments

Find and comment on proposed regulations and related documents published by the U.S. Federal government.

- Search by key word, title, or document ID
- Search for regulations by comments' due date
- Search for newly posted items

# Stages of Regulation Writing Continued

7. Final Rule Draft Development
8. Review and Clearance of Final Rule
9. Publication



# Types of Policy Documents

## Action Transmittal (AT)

Instructions for state and tribal child support programs on the actions they must take to comply with new or amended federal laws.

## Policy Interpretation Question (PIQ)

An official OCSE response to an inquiry submitted by a state child support agency concerning application of policy.

# Types of Policy Documents

## Dear Colleague Letter (DCL)

Letter to child support program directors conveying information on child support program activities.

## Information Memorandum (IM)

Memo to the child support community that provides information on program practices that can be useful for program improvement.

# Handy Tools: Website You Need to Know

1. Statute – [Title IV-D of the Social Security Act](#)
2. Federal Regulations – [Code of Federal Regulations](#); [e-CFR](#); [Federal Register](#); [Regulations.gov](#)
3. OCSE Policy – [Policy Page](#) vs [Resource Library](#)
4. Laws/Bills – [Thomas](#), [GovTrack](#)

# Handy Tools: OCSE Policy at a Glance

AT Link

[https://www.acf.hhs.gov/programs/css/resource-library/search?type\[3046\]=3046&type\[3047\]=3047](https://www.acf.hhs.gov/programs/css/resource-library/search?type[3046]=3046&type[3047]=3047)

PIQ Link

[https://www.acf.hhs.gov/programs/css/resource-library/search?type\[3046\]=3046&type\[3050\]=3050](https://www.acf.hhs.gov/programs/css/resource-library/search?type[3046]=3046&type[3050]=3050)

DCL Link

[https://www.acf.hhs.gov/programs/css/resource-library/search?type\[3046\]=3046&type\[3048\]=3048](https://www.acf.hhs.gov/programs/css/resource-library/search?type[3046]=3046&type[3048]=3048)

IM Link

[https://www.acf.hhs.gov/programs/css/resource-library/search?type\[3046\]=3046&type\[3049\]=3049](https://www.acf.hhs.gov/programs/css/resource-library/search?type[3046]=3046&type[3049]=3049)

Thank You!!!!!!

Building  
Sweet  
Futures  
For  
Children

Questions