

**Written Testimony of
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Before the
Subcommittee on Work and Welfare and
Subcommittee on Oversight
Committee on Ways and Means
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Dear Chairman LaHood, Chairman Schweikert, Ranking Member Davis, Ranking Member Pascrell, and Members of the Committee:

Thank you for the opportunity to testify before you at this hearing, *Strengthening Child Support Enforcement for States and Tribes*. Currently, I am an independent consultant, advising foundations, nonprofit organizations, and states about families and child support. Between 2009 and 2017, I served as the commissioner of the Office of Child Support Services (OCSS) during the Obama administration. Previously, I was the family policy director of the Center for Law and Social Policy (CLASP), and also have held positions with the Minnesota Attorney General's Office, the Minnesota Department of Human Services, and Legal Services of Union County, New Jersey. I have held legal, policy, operational, and research roles related to the child support program since 1981, and have witnessed the program's continuing evolution.

The child support program establishes and enforces child support responsibilities when parents do not live with their children.¹ Every state and 60 tribes administer a child support program. The program was established by Congress in 1975 under title IV-D of the Social Security Act in order to collect child support for families and to increase the likelihood that children are supported by both parents. In 1996, Congress extended the program to tribal governments on a voluntary basis as part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The laws enacted by Congress over the past five decades have generally strengthened the child support program and established a public understanding that noncustodial parents are expected to help support their children as they grow up. When I was a young attorney and single mother, that expectation did not exist.

The child support program increases income stability and reduces child poverty

In every state, parents have the legal responsibility to support their children financially. When the parents divorce, separate, or break up, the parent who lives apart from their children may be ordered to pay child support to help pay for their children's daily needs. More than one in four children, and almost one in two Black children, in the United States have a parent who lives outside of their household.² Parents who live apart from their children and pay child support are often called "noncustodial" parents, although parents are often involved in their children's upbringing and sometimes share legal and physical custody of their children with the other parent. Most children live with their mothers in their primary residence, but 20 percent of children live with their fathers.³ In recent decades, fathers have become more involved in their children's daily lives than in previous generations, with Black fathers most likely to engage with their children.⁴

The modern child support program is a family support program that increases family income, improves financial stability, and helps families make ends meet. One in five children and their custodial parents receive child support services from state or tribal child support programs, or nearly 13 million U.S. children and 8 million custodial parents in 2022. Nearly two-thirds of participating families receive child support. In 2022, the program collected over \$27 million in child support payments made by noncustodial parents, with more than 96 percent of these collections paid to families.⁵ Research shows that families who participate in the child support program have better outcomes at every step of the child support process, from paternity establishment, to setting support orders, to collecting support, compared to families who do not participate.⁶ Children who receive child support services are significantly more likely to receive child support than those who do not receive services. For families with low incomes, participating in the child support program often means the difference between receiving child support income and not receiving it.⁷

The majority of financial support for poor children who live in custodial families comes from their parents, not the government.⁸ Child support can be a significant and long-term source of family income for families with limited means, lifting almost a million families out of poverty every year.⁹ When received, child support is about 40 percent of family income for families living at or below the federal poverty level, and 65 percent of family income for deeply poor families (that is, with incomes at or below 50% of the federal poverty level).¹⁰ Child support income can help families meet the costs of raising their children, including groceries, rent, child care, clothes, and school supplies. Families with collections typically receive \$200 to \$300 per month. The University of Wisconsin found that child support payments in the state were as regular as custodial mother earnings when received, and typically higher than other sources such as cash assistance and Supplemental Nutrition Assistance Program (SNAP) benefits.¹¹ Family budgets may depend upon all of these income sources to get by. While income from child support has doubled in the past two decades for custodial parents at or below the federal poverty level, income from cash assistance has declined sharply.¹² Child support reflects the earnings of noncustodial parents, and the amount and regularity of child support payments collected for a family primarily depends upon the stability of the noncustodial parent's employment and income.

Not all families who receive child support participate in the child support program: 62 percent of all child support cases are handled by the child support program, while the remaining 38 percent are handled privately through family court, usually as part of a divorce case. Custodial parents with limited incomes are more likely to participate in the child support program than those with higher incomes.¹³ Almost two-thirds of children participating in the child support program had incomes below 200 percent of the federal poverty level, and a third of children had incomes below poverty in 2018. Nearly half of custodial parents participating in the child support program currently receive or previously received cash assistance through the Temporary Assistance to Needy Families (TANF) program.¹⁴ Among American Indian and Native Alaskan children living in tribal areas with a child support program administered by a tribe, 40 percent lived below the federal poverty level in 2015.¹⁵ The race and ethnicity of custodial parents who receive child support services is similar to custodial families who do not receive child support services: almost half of custodial parents receiving child support services are White, a quarter are Black, and a quarter are Hispanic.¹⁶

An extensive body of research shows that receiving child support payments supports positive child developmental outcomes, including stronger school performance. Children who receive child support are more likely to receive higher grades, have fewer school problems, finish high school, and attend college than children who do not receive child support.¹⁷ In fact, regular child support payments appear to have a greater impact on children's educational outcomes dollar for dollar than other types of income.¹⁸

Family-centered child support can help increase equity

The child support program is different than a number of other social welfare programs because it interacts with both parents for the benefit of their children.¹⁹ To act fairly and equitably and to maintain public support, the child support program must consider the circumstances of all family members. One of the reasons why Congress originally enacted the child support program was to improve equity between divorced mothers and fathers. Noncustodial fathers often experienced an increase in disposable income following a divorce, while custodial mothers and children were impoverished. The idea behind the child support program was to facilitate the transfer of income from noncustodial fathers to their children. This original purpose has largely been accomplished. A 2018 University of Wisconsin study found that for divorced parents, child support has the effect of equalizing income between mothers and fathers, so that children benefit from the resources of both parents. For never-married couples, fathers have a slight advantage in pre-tax/transfer income, but mothers are likely to be better off when measured by post-child support income, even after adjusting for the costs of children.²⁰ The main workhorses of the child support program include intergovernmental laws such as the Uniform Interstate Child Support Family Support Act (UIFSA), and the Full Faith and Credit for Child Support Orders Act (FFCSIA), federal and state data-matching, automated case management, voluntary parentage acknowledgement, child support guidelines, and payroll withholding.

However, the labor market and families have changed over the past fifty years. Over the past two decades extensive research has determined that the primary reason for nonpayment of child support is the noncustodial parent's inability to pay the full amount ordered. About 25 percent of noncustodial parents are themselves living in poverty and barely scraping by due to high

incarceration rates, unemployment, unstable and part-time jobs, and low wages.²¹ In Wisconsin, 90 percent of noncustodial parents who made no payment and 60 percent of parents making partial payment were incarcerated or did not have year-round employment.²² Over the program's history, child support orders have been set unrealistically high, child support debts have become insurmountable, and enforcement methods such as driver's license suspension and jail have created additional barriers to noncustodial parents trying to make a living, support their children, and co-parent their children.

Although the original cost recovery function of the child support program has diminished as the TANF caseload has declined, cost recovery policies continue to reduce family income, while discouraging child support payments and increasing the risk of child welfare involvement.²³ Overly punitive child support enforcement has helped drive noncustodial parents away from their children and employment, increased conflict between the parents, and harmed children. They have helped fuel a cycle of poverty and instability for the lowest income families and have had a disproportionate impact on Black, Hispanic, and American Indian families.²⁴ In order to increase program effectiveness, public trust, and equitable outcomes for all families, the child support program is incorporating family-centered policies and services into their child support programs. A large body of child support research tells us that evidence-based practices can improve employment outcomes, increase the consistency of child support payments, reduce child support debt, and strengthen family relationships, while protecting against domestic violence.

Family-centered child support prioritizes regular child support payments that families can rely on month after month. In turn, states and tribes can encourage consistent child support payments when (1) support orders are set based on actual income, not aspirational amounts, (2) unmanageable child support debt is reduced; (3) noncustodial parents can receive individualized case management, participate in employment programs, and get help accessing services, such as fatherhood, co-parenting, housing, and substance use programs that help them obtain jobs and maintain family ties; (4) all the support collected is paid to families and not used to recover public assistance costs; and (5) unmarried parents have the opportunity to enter into parenting time arrangements just as divorced parents do.²⁵ Using its section 1115 grant funding, OCSS has funded a number of large-scale demonstrations to test family-centered practices, including *Safe Access for Victims' Economic Security* (SAVES) in twelve states and one tribe (Colorado, Georgia, Ohio, Oklahoma, Michigan, Minnesota, Missouri, New York, Texas, Virginia, Washington, and Lac Courte Oreilles Band of Lake Superior Chippewa Indians).²⁶

For more than 25 years, tribes have operated effective, innovative, community-based child support programs that obtain support for children and have developed strong, collaborative partnerships and consortia with states. Often, states lack the jurisdiction and capabilities to reach parents who live within tribal jurisdiction. When tribal families have limited employment opportunities, tribal child support programs can provide families a way forward by prioritizing child wellbeing and incorporating traditional community-based and family-centered approaches. Under federal statutes and regulations, tribes with an approved child support plan have substantial flexibility to implement effective child support approaches. For example, a number of tribes have implemented child support guidelines that count in-kind contributions by noncustodial parents, such as wood, fish, or car repairs. Some tribal child support programs refer noncustodial parents to fatherhood employment, reentry, or wellness services. Some tribes

incorporate grandparent councils and other alternative dispute resolution approaches. Tribal programs—and tribal families—need the same tools, including access to federal tax offsets and FTI data access as state child support programs to increase family income.

How does the child support program work?

State and tribal courts and administrative agencies establish child support orders that set the amount of support to be paid according to child support guidelines adopted by every state.²⁷ Each parent is responsible for contributing a share of their income for their children based on each parent's earnings, income or other evidence of their ability to contribute financial support. When the parents are not married, the child support program first establishes parentage, the prerequisite to establishing legal responsibility for paying child support. Most parents affirm that they are the parents through a voluntary acknowledgement process when their children are born, but when parents do not consent, child support agencies have the authority to order genetic tests and go to court to determine parentage.²⁸

Once parentage and a payment obligation are established, the child support program then collects child support payments based on the support order amount. Three-fourths of child support payments are collected through automatic payroll withholding and other types of income withholding from Unemployment Insurance and Social Security and other income sources. The child support program has several other statutory enforcement authorities, including debt garnishments, property liens, quarterly data matching with banks and other financial institutions, offsets from federal and state tax refunds and other government payments, passport suspension, driver's license suspension, and credit bureau reporting.²⁹ Many states and tribes also provide employment services to noncustodial parents who fall behind on child support due to unemployment, part-time employment, or low wages.³⁰ Child support payments are processed automatically through state payment centers (also called "state disbursement units"), which receive payments from employers, noncustodial parents, and other sources, disburse payments to families, keep payment records, and provide parents with an accurate payment history.³¹ In most states, these payment centers are outsourced to private contractors.

OCSS also has a direct role in enforcing child support. For example, OCSS facilitates collection of child support arrears through the federal tax offset program. Federal tax offsets are a significant source of child support payments, representing about 12 percent of program collections.³² In order to submit a tax offset request to IRS, states certify the amount of arrears owed in individual cases to OCSS. OCSS, in turn, creates a data file that the IRS uses to identify which taxpayers eligible for a tax refund owe child support arrears and to offset the child support amount from the tax refund. The child support is then transferred to the state and paid to the custodial family but the source of payment is not identified, because it is protected as Federal Tax Information (FTI) under section 6103. Currently, tribal child support programs do not have statutory access to the federal tax offset program, meaning that tribal children lose out on an important income source available to other children, unless tribes are able to obtain access or partner with their state counterparts to secure payments.

In addition, OCSE facilitates passport revocation when a state certifies that a noncustodial parent owes child support arrears by transmitting the state request to the Secretary of State and then by

immediately communicating with the Department of State to restore the passport when the state has received payment.³³ OCSS conducts data comparisons with insurance companies to match insurance claim, settlements, awards, and payments with noncustodial parents who have child support arrears.³⁴ OCSS also facilitates data matching agreements between states and multistate financial institutions.³⁵

Although states and tribes have considerable flexibility on how to administer their child support programs, they do not operate separately. Instead, each state and tribal child support agency is part of a nationwide *interjurisdictional* program. The national child support program connects federal, state and tribal programs through statutes, technology, and data to make sure that we are collecting the right amount of money from the right people. Twelve percent of all child support program cases, or more than 1.5 million cases, involve children who live in one state or tribal nation, while their noncustodial parent lives in another jurisdiction.³⁶ That means that many families have child support cases that cross state lines. State and tribal child support programs work together to locate, establish, and enforce child support across state lines when parents live in different states or one parent lives within the jurisdiction of a tribal nation.

To carry out the legislative framework, the federal Office of Child Support Services (OCSS) prescribes program operating standards, computer systems requirements, data confidentiality and security protocols, and domestic violence safeguards, and conducts performance data audits to increase program effectiveness, consistency and interoperability.³⁷ OCSS manages the Federal Parent Locator Service (FPLS), a set of national data bases and data files. One component of the FPLS, called the National Directory of New Hires (NDNH), contains new hire data for U.S. employees, quarterly wage data, and Unemployment Insurance data. Another component of the FPLS, the Federal Case Registry (FCR), contains individual child support order and case information.³⁸

Each state also maintains a state-level new hire directory and case registry.³⁹ In turn, each state reports state new hire and case data to the FPLS, which conducts continuous data comparisons across states, and returns the right data matches to the right state. In 2014, Congress extended access to FPLS data to tribal child support programs.⁴⁰ Through the FPLS and other services, OCSS provides a technological bridge that assists state and tribal child support programs to locate parents, establish parentage, set child support obligations, and enforce child support orders across state lines.⁴¹ OCSS develops, manages, secures, and controls access to the FPLS; its computer systems are located behind SSA system firewalls. OCSS also developed and maintains the Model Tribal System, a modular computer system available to tribal child support programs.

The core of child support program operations is information. The child support program is highly automated, and all federal, state, and tribal child support agencies operate in a secure data environment, subject to OCSS protocols, systems and environmental controls, and audits. In addition, FTI is subject to IRS protocols, controls, and audits under section 6103. Child support programs successfully manage many different kinds of sensitive personal information, including FTI, but also confidential parentage information, genetic test results (which are not retained), domestic violence, and wage, asset, and other financial information. All personal identifying information is managed under clear federal confidentiality and security rules that restrict data access, use, reuse, transmission, disclosure, and retention and include family violence data

safeguards.⁴² These rules require federal review and approval of state computer systems, secure physical work spaces, work station controls (such as through audit trails), and administrative sanctions for personnel violations.⁴³ State and tribal data confidentiality and systems security rules also apply. OCSS and states rely on contractors for certain functions. For example, states often use a combination of state employees and contractors to develop, operate, and maintain their computer systems. States also typically use contractors to manage their payment centers. These contractors are supervised like other in-house staff and are subject to the same strict confidentiality and security rules and protocols.

¹ 42 U.S.C. §§ 654(4); 666(a)(2); 666(c).

² Timothy Grall, *Custodial Mothers and Fathers and Their Child Support: 2017*, Current Population Reports, P60-269, U.S. Census Bureau, 2020,

<https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>;

³ Grall, 2020. Noncustodial” parents are sometimes called “nonresident” or “paying” parents. The parents living with the children are called “custodial,” “residential” or “receiving” parents.

⁴ Elaine Sorensen, The Child Support Program is a Good Investment, Office of Child Support Enforcement (OCSE), 2016, https://www.acf.hhs.gov/sites/default/files/documents/ocse/sbtn_csp_is_a_good_investment.pdf; Jo Jones and William Mosher, *Fathers’ Involvement with their Children: United States 2006-2010*, National Health Statistics Reports No. 71, Centers for Disease Control, U.S. Department of Health and Human Services, 2013, <https://www.cdc.gov/nchs/data/nhsr/nhsr071.pdf>.

⁵ States hold back \$1 billion in collections to reimburse Temporary Assistance to Needy Families (TANF) and Foster Care Maintenance Payments paid under title IV-E of the Social Security Act and an additional \$73 million in fees. OCSE, *Preliminary Report FY 2022*, tables P-1 and P-2, https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2022_preliminary_report.pdf. In 1996 and in 2006, Congress enacted distribution reform legislation to direct more child support payments to families and to begin phasing out cost recovery policies.

⁶ Sorensen, OCSE, 2016.

⁷ Sorensen, OCSE, 2016.

⁸ Sorensen, OCSE, 2016.

⁹ Sorensen, OCSE, 2016.

¹⁰ Sorensen, OCSE, 2016.

¹¹ Yoonsack Ha, Maria Cancian, and Daniel R. Meyer, “Child Support and Income Inequality,” *Poverty & Public Policy*, Vol. 10, 147-158, 2018, https://www.researchgate.net/publication/325582492_Child_Support_and_Income_Inequality.

¹¹ Elaine Sorensen, “The Child Support Program is a Good Investment,” OCSE, 2016.

https://www.acf.hhs.gov/sites/default/files/documents/ocse/sbtn_csp_is_a_good_investment.pdf.

¹² Sorensen, OCSE, 2016.

¹³ Sorensen, OCSE, 2021.

¹⁴ OCSE, *Preliminary Report FY 2022*, tables P-1 and P-2.

¹⁵ Elaine Sorensen, Exploring Tribal Demographic Data: Part One, OCSE, 2022,

<https://www.acf.hhs.gov/css/ocsedatablog/2022/11/exploring-tribal-demographic-data-part-one>.

¹⁶ Sorensen, OCSE, 2021.

¹⁷ Sorensen, OCSE, 2016; Gerry L. White, Leon Banks, Harold E. Briggs, “The Effects of Child Support Payment Factors on Satisfaction with Levels of Parental Involvement by Noncustodial Fathers,” *Research on Social Work Practice*, Vol. 31, No. 8, April 26, 2021, <https://doi.org/10.1177/10497315211004744>.

¹⁸ Burt Barnow, et al., *The Potential of the Child Support Enforcement Program to Avoid Costs to Public Programs: A Review and Synthesis of the Literature*. Report prepared for U.S. Department of Health and Human Services, 2005,

https://www.youngwilliams.com/sites/default/files/u258/the_potential_of_the_child_support_enforcement_program_to_avoid_costs_to_public_programs_-_a_review_and_synthesis_of_the_literature.pdf; Virginia Knox and Mary Jo Bane, “Child Support and Schooling,” in Garfinkel, McLanahan and Robins, 1994.

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- ¹⁹ Sorensen, 2016.
- ²⁰ Ha, Cancian, and Meyer, 2018.
- ²¹ Sorensen, OCSE, 2016.
- ²² Yoonsook Ha, Maria Cancian, Daniel Meyer, and Eunhee Han, *Factors Associated with Nonpayment of Child Support*, 2014, <https://youngwilliams.com/resource-library/factors-associated-nonpayment-child-support/>.
- ²³ Maria Cancian, Mi Youn Yang, and Kristen Shook Slack, “The Effect of Additional Child Support Income on the Risk of Child Maltreatment,” *Social Service Review*, Vol. 87, no. 3, 2013.
- ²⁴ Vicki Turetsky, *Reforming Child Support to Improve Outcomes for Children and Families*, Abell Foundation, rev. 2020, <https://abell.org/publication/reforming-child-support/>.
- ²⁵ For a series of 7 policy briefs that detail the research behind family-centered policies and practices, see Vicki Turetsky, *An Evidence-Based Approach to Child Support*, Ascend at Aspen Institute and Good+Foundation, <https://ascend.aspeninstitute.org/an-evidence-based-approach-to-child-support/>.
- ²⁶ 42 U.S.C. §1315. For more information about SAVES, link to: <https://www.acf.hhs.gov/css/grants/current-grants/safe-access-victims-economic-security-saves>.
- ²⁷ 42 U.S.C. § 667.
- ²⁸ 42 U.S.C. §§ 666(a)(5).
- ²⁹ 42 U.S.C. §§ 654(18); 664; 666(a) and (b).
- ³⁰ 42 U.S.C. § 666(a)(15).
- ³¹ 42 U.S.C. §§ 654b.
- ³² OCSE, *Preliminary Report FY 2022*, tables P-1 and P-29.
- ³³ 42 U.S.C. § 652(k).
- ³⁴ 42 U.S.C. § 652(m).
- ³⁵ 42 U.S.C. § 652(l).
- ³⁶ OCSE, *Preliminary Report FY 2022*, tables P-53, P-34, P-35, P-59, P-60, P-61, P-62. See Sorensen, OCSE, 2021, figure 7.
- ³⁷ 42 U.S.C. §§ 654(16); 654a;
- ³⁸ 42 U.S.C. § 653.
- ³⁹ 42 U.S.C. §§ 652(d); 653a; 654(16); 654a.
- ⁴⁰ 42 U.S.C. § 652(c), as amended by P.L. 113-183, title III, § 301.
- ⁴¹ OCSS also provides data matching services to assist other federal agencies to the extent authorized by statute, including the Secretary of Treasury to administer certain tax programs. 42 U.S.C. § 653(i). OCSS has also has data relationships with the Social Security Administration (SSA), Department of Labor, the Department of Defense, the Department of Veteran’s Affairs, the U.S. Census Bureau, the General Accounting Service, and other federal agencies but only if specifically authorized by Congress. 42 U.S.C. § 653(j).
- ⁴² 42 U.S.C. § 653.
- ⁴³ 42 U.S.C. § 654a.