



March 12, 2014

The Honorable Ron Wyden  
Chairman, Senate Committee on Finance  
219 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Orrin G. Hatch  
Ranking Member, Senate Committee on Finance  
219 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Wyden and Ranking Member Hatch,

The National Child Support Enforcement Association (NCSEA) has reviewed the child support provisions in the "Supporting At-Risk Children Act (S.1870; S. 1877)," and has identified two sections of the bill for which we suggest alternative approaches. These comments are in addition to the letter NCSEA sent prior to the December markup expressing support for some key provisions NCSEA has long sought and supported. Those positions are reiterated at the end of this letter.

Our concerns and positions follow.

### **Passport Denial (Section 312)**

NCSEA supports the narrowly-crafted provision to allow exceptions to a passport denial. However, we are concerned about how this provision would be implemented and offer language to strengthen it. The provision would direct obligors to claim the exception from the U.S. Department of State rather than the state IV-D agency or agencies who submitted the obligor for passport denial. Not only does the provision as currently drafted expand the role of the State Department from its current ministerial role in implementing each state's passport denial file, it also may cause problems if, a) the obligor claims to be eligible when IV-D records indicate otherwise, or b) multiple states submit the same obligor for separate families and the conditions in the exception apply to some, but not all, of the obligor's cases.

NCSEA believes many states would agree to remove an obligor from their passport denial file under similar conditions, and thus implementing the exception at the state child support agency or agencies level could occur with little or no change in state systems if the exception as drafted was modified slightly to require obligors to claim the exception from the submitting state IV-D agency or agencies rather than the State Department.

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The passport denial exception also includes a provision for revocation of a passport if the obligor fails to continue paying support as ordered. Passport revocation is already in federal law. NCSEA urges the Secretary of State to use his existing legislative authority and regulations to implement passport revocations for seriously delinquent noncustodial parents.

Attached to this letter is a suggested amendment which captures NCSEA's position, which may be the same or similar to an amendment supported by the National Council of Child Support Directors (NCCSD). The language maintains the responsibilities of the existing state agencies in verifying information in these cases so that the new denial exception process is aligned with current procedures.

### **Parenting Time (Section 314)**

NCSEA supports the concept of voluntary parenting time arrangements and applauds those agencies that have implemented such an approach. We have disseminated information on successful programs to our members. However, we have a number of questions and concerns about how a federal mandate would be implemented and urge the Committee to consider them now so that states are successful in implementing parenting time arrangements in the future.

Our association has had numerous discussions on this section and we find that there are many unanswered questions about the scope of the mandate; how it would be implemented; whether it should be mandatory or voluntary for parents; whether equal protection requires that such services be expanded beyond unmarried parents to those who are married but separated; and, whether federal financial participation should be enhanced initially for parenting time activities similar to enhanced funding when paternity establishment activities were implemented many years ago.

NCSEA supports changing the requirement to a state option. For those states wishing to pursue the option, NCSEA supports enabling the Secretary of the Department of Health and Human Services to provide states with an incentive to do so by authorizing them to establish parenting time arrangements for fathers and mothers as an activity reimbursable under the State Plan at an enhanced federal financial participation rate for a period of time. That interim enhanced federal match should continue until at least such time as the Child Support Enforcement Task Force under Section 321 completes its work, the Federal Office of Child Support Enforcement issues implementing guidance, and state IV-D programs are given time to implement parenting time programs. Furthermore, we note that one of the specific activities of the proposed Task Force is to report "recommendations for methods to foster encouragement by fathers in their children's lives through consideration of parental time and visitation with children."





NCSEA welcomes further study and recommendations on this important matter and offers its involvement on the Task Force to assist on this and other issues.

In addition to these suggested improvements outlined above, we reiterate our support for a number of provisions that NCSEA has long supported and outlined in our December 11, 2013 letter to the Committee. They include our strong support for Section 311 containing language to implement the Hague Treaty. The Treaty standardizes the processes necessary to obtain child support across international boundaries and NCSEA was actively engaged in the drafting of it. We also support Section 313 giving tribes direct access to the Federal Parent Locator Service, in the same way states are able to access the information. The provision will enable tribal child support agencies to better assist the families requesting their services.

Finally, NCSEA supports the creation of a Child Support Enforcement Task Force as outlined in Section 321. The Task Force would review the program and recommend changes so that child support may continue to broaden its mission to serve the entire family, including the noncustodial parent.

Thank you for your attention to our views. If you have any questions, please contact me or Tom Joseph, NCSEA Washington Representative, at [tj@wafed.com](mailto:tj@wafed.com) or 202.898.1446.

Sincerely,

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