



## **NCSEA's 2013 Policy Forum: Jam-Packed with Stimulating Speakers, Ideas, and Opportunities**

Following on the heels of the 2012 elections, the 2013 Policy Forum was a stunning success. Child support leaders and public policy gurus from around the country attended the two- and one-half day NCSEA event in Washington, D.C., "Moving Child Support to the Next Level...Putting Policy into Action."

It is difficult to distill all the great ideas into a single article, so I have focused on the highlights of the plenary sessions, and the intriguing tidbits of information and insights shared by the presenters. The [final detailed schedule](#) with presenter names is available on the NCSEA website.

### What Does the Election Mean to Child Support and Human Services?

The first plenary, and one of the most fascinating sessions, included an analysis of the national, state, and local election results by representatives of NCSEA (Waterman & Associates), the National Conference of State Legislatures (NCSL), and the National Association of Counties (NACo). The speakers shared their insights, as well as some interesting and even fun facts about the elections, and their potential impact on the child support and human services programs.

Unfortunately, on the national level, we learned we can look forward to more Senate filibusters, and less compromise in Congress. Despite the gloomy outlook, there were also some lighter moments. Tom Joseph of Waterman & Associates summarized an approval poll by Public Policy Polling that concluded that Congress is less popular than cockroaches and traffic jams.<sup>1</sup>



With the widening rift in Congress, the leaders are having a tougher time within their caucuses and difficulty finding consensus within their own parties. Congress banned

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<sup>1</sup> <http://www.publicpolicypolling.com/main/2013/01/congress-somewhere-below-cockroaches-traffic-jams-and-nickleback-in-americans-esteem.html>

earmarks; as a result, there is no incentive to provide party members a little extra for special projects in their districts. There has been little change in the big picture of Congress and the underlying demographics seem to point to more gridlock in the future.

In response to a question, Joseph opined that the conversation about reviving the ability of states to match to federal performance incentives was “Dead, dead, dead, dead.” He explained that the proposal had trouble gaining Senate co-sponsors; as a result, it is time to give up the idea. While there are presently no proposals to reduce FFP to 50% rather than the current 66% the IV-D program enjoys, we always need to watch out for that.

NCSL’s Sheri Steisel provided some insightful facts, and more can be found on the organization’s [website](#):

- 1) More than half of state legislators are freshman or sophomores.
- 2) Eighteen states have term limits and many states are experiencing major retirements of long- serving legislators. Freshmen and sophomores who are now chairing key committees have a lot to learn about child support.
- 3) With more Latino voters turning 18, the Latino vote is on the rise. The growth in the Latino demographic suggests both that there will likely be more Hispanic legislators and that Hispanics will continue to make up a greater proportion of the population served by the child support program.”
- 4) As more Americans turn age 67, a “silver tsunami” is occurring. We need to think about what that means for a program that supports children and works primarily with younger people. Public policy may increasingly gear toward older Americans.

TANF authorization expires on September 30, 2013. Congress will have to pass a reauthorization bill but there will also be larger budget deficit conversations. Child support may be a part of budget reconciliation, as it always fits well into the context of TANF.

#### Wisdom of the Room: Gathering the Collective Intelligence of Child Support Leaders

Next on the agenda was a crowd-sourcing session, a way to gather ideas by posing thought-provoking questions in a plenary session and then asking the audience to break into smaller groups to share insights and best practices. A lot of meat was packed into the questions and scenarios raised by the provocateurs:

- David Sanchez, TN: Can IRS audits be simplified? Can’t we streamline the requirements, especially when the IV-D program already has rigorous confidentiality and information safeguarding requirements?
- Margot Bean, Deloitte: Isn’t it time to take another look at system certification requirements, eliminate outdated and redundant requirements, and focus on accountability and outcomes?
- Alisha Griffin, NJ: How does the Affordable Care Act (ACA) affect the child support enforcement program? Where should we go from here with respect to medical support?

- Alicia Key, TX: Should we, could we, be a program that provides services to families? Should our program make sure obligors have rights along with responsibilities? Shouldn't they have visitation orders along with child support orders? Should we do parenting time?
- Sharon Santilli, RI: How can we nurture and improve inter-agency collaboration to take advantage of automation, cost efficiencies, economies of scale, and other resources during times of limited resources?

Following the plenary presentations, participants broke into small groups to discuss ideas initiated by the questions and formulate proposals to transform their ideas into action. The crowd source proposals were presented in the final session of the last day.

### From Tears to Tiers

In this plenary session, OCSE Commissioner Vicki Turetsky introduced [three tiers of strategies](#) to improve program performance and implement family-centered services:

- Tier 1: Focus on program fundamentals and automation
- Tier 2: Identify performance problems through caseload analysis, and apply Project to Avoid Increasing Delinquency (PAID) strategies
- Tier 3: Expand access to services/other programs.



In the Commissioner's view, we need family-centered capacity building strategies for 20% of our caseload, where assets and income are not available or cannot be identified.

Following the Commissioner's presentation, OCSE leadership provided updates on issues in their respective areas of responsibility. One of the major topics was the Notice

of Proposed Rulemaking (NPRM), which is moving through the clearance process. The NPRM encompasses collections and collaborations, clean-up of old regulations and terminology, and expanded FFP, beyond that covered in [PIQ 12-02](#).

### Child Support and the Big Picture

This session included presentations from leaders in two child support partner agencies, as well as Matt Weidinger, Majority Staff Director, Human Resources Subcommittee of the US House Committee on Ways and Means and Sheri Steisel, Sr. Federal Affairs Counsel and Sr. Director of the Human Services Committee at NCSL. Topics encompassed issues facing Congress, with particular emphasis on the Hague

Convention, data standards, and trends in state legislatures with respect to child support issues and bills.

The agenda for the 113<sup>th</sup> Congress is the same as last year:

- Data standards – how programs interact through data
- Hague Convention on the Recovery of international Child Support
- Other “no cost” improvements to the program.

The data standards effort is a bi-partisan, bicameral, and Administration supported initiative. It is not intended to combine data into a large database, collect more data, or circumvent the Privacy Act; rather, it is about using data we already have in a smarter way.

With respect to the Hague convention, the Subcommittee has heard about the struggles related to cross-border enforcement of child support and looks forward to reducing administrative barriers in international cases by making those interactions more similar to interstate processes.

Sheri Steisel announced that NCSL would shortly issue a publication summarizing last year’s state legislation. Although legislative activity at the federal level was fairly quiet, state legislatures considered, debated, and passed a lot of child support enforcement legislation. She said there will be a number of opportunities at the state level to tweak the child support program to improve means for harvesting “low hanging fruit.”

She sees the following trends and opportunities at the state level:

- Laws relating to collection and enforcement, including drivers’ license suspension, professional license suspension, garnishments, and lottery intercepts
- Working with tribes and gaming on issues such as how to tackle winnings on reservations
- Reviewing and changing administrative and judicial processes
- Legislation on information sharing between departments (nine states enacted laws last year)
- Military families and the impact of deployment and return
- Custody, visitation, parenting time, and presumption of joint custody
- The changing nature of families: how grandparents fit in
- Policies about NCPs and how they meet their support obligations
- Issues about fatherhood, employment services, guidelines (legislators don’t think they have resources to address these, but there might be “low hanging fruit” opportunities to direct resources to these areas)
- Family law, domestic violence, ensuring protection to victims.

#### Do Yesterday’s Child Support Guidelines Work for Today’s Complex Families?

This conversation centered on the guidelines review processes in several states, guidelines considerations, and policies addressing parents with multiple (serial) families,

ability to pay, and how to accomplish fair and equitable support obligations for all the children.

An engaging discussion surrounding a variety of public policy issues ensued; areas of focus included:

- 1) The treatment of children of the marriage vs. first or subsequent children.
- 2) Multiple families, multiple cases, and subsequent orders. Should the order for each subsequent child be increasingly less, as existing orders are deducted from the obligated parent's income? Should each subsequent child get a smaller piece of the pie?
- 3) The majority of children in the IV-D caseload are born out of wedlock. Should they be treated differently? Should we prioritize children in the order of birth? What happens when an obligor's multiple orders exceed the consumer credit cap?
- 4) How to account for the varying incomes of different parents? One mother could be poor, another affluent; their children will have different economic lives, regardless of the father's income. What about giving credit for children in the home?
- 5) How to handle a mom and dad who have a child with an order and later have another child? Are they considered one family, or two?
- 6) How should we handle real expenses for childcare, health care, etc?
- 7) What are the criteria for determining whether existing orders are "being paid" in order to qualify for a deduction from the obligor's income?
- 8) Are there barriers to having orders modified in other states when NCPs relocate and earn less income?
- 9) What happens when different courts have jurisdiction over custody and visitation vs. modification?
- 10) How do we handle modification if there are two cases involving one or both of the same parents in different jurisdictions – whether across state or county lines?
- 11) How do we prevent unreasonable orders? Should we address private cases as well as IV-D cases? The judiciary and private bar may have different perspectives on these issues.
- 12) What happens when there is a child welfare issue and the Court determines paternity, but the records are sealed? What if the Juvenile Justice system doesn't know if there has been a voluntary acknowledgment of paternity in the IV-D system? What if the CP doesn't show up?
- 13) How to handle a modification when NCP has a number of orders with different CPs?
- 14) What happens when the CP doesn't show up in Court?
- 15) Is the pendulum now swinging too far in favor of NCPs? Will this cause a reaction from CP advocacy groups? What are the fundamental philosophies to keep the pendulum in the middle?

### The Impact of the Affordable Care Act (ACA) on the Child Support Program

One of the current issues facing the IV-D program is how the ACA may impact the IV-D program. Members of the IV-D community at the federal, state, and local levels

examined the ways in which health care exchanges and systems could affect current and future child support systems technology. They also speculated about what medical support might look like in the future and discussed the pros and cons related to whether medical support enforcement should remain with the child support program, or be transferred to the IRS.

A topic of concern is that the responsibility for proof of coverage will be borne by the taxpayer who can claim the child as a dependent that year. That parent may be a different parent from the one providing the health insurance coverage. How do we deal with the practical difficulties of this difference? In addition, if the dependent-claiming parent fails to provide proof of coverage and is penalized by the IRS, is there additional IV-D agency responsibility to ensure the child is covered?

What is the impact on the IV-D program with more children eligible for expanded Medicaid if a state opts for it under the ACA, and with subsidies for health insurance available to parents who earn up to 400% of the poverty guidelines? How does the subsidy impact cash medical orders? There are so many questions that need answering that it will be at least one year before the foggy medical support future becomes clearer.

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