



Resolution in Response to S. 1383, the Strengthen and Vitalize Enforcement of Child Support (SAVE Child Support) Act

Introduction

The SAVE Act was introduced by Sen. Menendez (D-NJ) on July 19, 2011 and is co-sponsored by Sen. Grassley (R-IA). The bill seeks to improve the enforcement, collection, and administration of child support payments, and other purposes.

Background

The bill would be very beneficial for child support enforcement as it contains many needed program improvements. NCSEA supports most of the provisions of the bill. However, NCSEA suggests improvements to the bill that would further accomplish the goal of improving the enforcement, collection, and administration of child support payments. These improvements are as follows and refer to the individual sections of the bill. This resolution expects that dates as identified in the pending legislation will be modified based upon the time line for actual passage.

Section 3 Interstate and International Child Support Payments

This section mandates that States adopt the Uniform Interstate Family Support Act (UIFSA 2008) by January 1, 2014. Also, Section 3 clarifies jurisdictional rights and responsibilities for both domestic and international child support cases and gives the Secretary the authority to ensure state compliance with the "Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance" once it comes into effect. This will facilitate the United States adoption of the Hague Treaty, which will establish a more effective system for ensuring child support collection in international cases.

NCSEA supports this section and recommends that the proposed language be amended to make it clear that the Full Faith and Credit for Child Support Orders Act (FFCCSOA) and UIFSA were intended to be interpreted consistently.

Section 4 Centralized and Accessible Lien Registry

Section 4 requires states to place liens "against real and personal property for amounts of overdue support owed by a noncustodial parent who resides or owns property in the State," and calls for all states to create or obtain access to a centralized lien registry. States will have to establish or gain access to a registry by January 1, 2013. A centralized



lien registry would greatly improve the interstate lien process, leading to increased collections.

NCSEA supports this section.

Section 5 Requiring States to Compare Information Maintained by Insurers

This Section calls for 42 U.S.C. 652 to be amended to require the Secretary of Health and Human Services to compare information concerning individuals owing past-due support with information maintained by insurers concerning insurance claims, settlements, awards and payments. By mandating, instead of merely allowing, that the Secretary, through the Federal Parent Locator Service, compare information concerning delinquent noncustodial parents (NCPs) with insurers, more matches and lump sum payments should result.

NCSEA supports this section.

Section 6 Data Matching and Registry of Payments Made on Property and Casualty Insurance Claims

Section 6 adds language to 42 U.S.C. 652 by calling for states to match insurance payouts with eligible cases through an existing consortium or through the creation of their own state registries. By January 1, 2014, the bill requires that "at least 90 percent of the payments made on property and casualty claims within the State are matched against the state case registry and any overdue child support orders or liens recorded in the registry maintained by the State pursuant to Section 4 of the bill.

NCSEA supports this section, but recommends a requirement for 100% uniform compliance with the provision, as opposed to only 90% of payments. In lieu of 100% compliance, we request clarifying language on which 10% would not have to comply.

Section 7 Strengthened Passport Denial Procedures

Current practice provides that passports may be denied only at the time of application or renewal (i.e., every ten years). Section 7 permits the states to seek revocation of the current passports of eligible non-custodial parents. Section 7(b) requires the Secretary to establish a hardship exception that would allow certain NCP's to maintain their passport if denial would result in undue harm to their employment or livelihood. This measure would make passport denial a much more effective enforcement tool, since it would allow child support programs to revoke current passports instead of waiting for a delinquent obligor to possibly attempt to renew a passport every ten years.

NCSEA supports this section.



Section 8 Expedited Process To Withhold Or Suspend Licenses For Nonpayment

This Section requires that each State agency that issues licenses or permits to check with the state child support agency and the child support lien network before issuing any license or permit. Agencies must check at least once per quarter to ensure that any license or permit holder remains compliant with the child support order. Section 8 also contains a hardship provision similar to Section 7 and while it calls for the license or permit to remain suspended until all arrears are paid off, it also gives states the opportunity to reinstate the license or permit contingent upon the non-custodial parent's agreement and compliance with a payment plan.

NCSEA supports this section, but recommends this section be expanded to include federal licenses.

Section 9 Coordination with Corrections Agencies and the United States Marshals Service

This section requires greater coordination with corrections agencies, by calling for more automated interfacing and data matching and for more outreach to incarcerated obligors. Also, the Attorney General may utilize the U.S. Marshals Service and other enforcement agencies of the Department of Justice to assist in the location and apprehension of delinquent child support obligors. State child support programs would gain access to federal law enforcement in order to better enforce difficult criminal non-support cases across where the obligor is out of state.

NCSEA supports this section.

Section 10 Preventing Deceptive and Harassing Practices Of Private Child Support Collection Agencies

This section amends Section 803 of the Consumer Credit Protection Act by expanding protections against deceptive and harassing practices of private child support collection agencies. By protecting custodial parents from private child support collection agencies, more funds collected by state child support programs would go to the custodial parent for the benefit of the child and opposed to a percentage of the payments being diverted to the private collection agency.

NCSEA supports this section.

Section 11 Noncustodial Parents' Access To and Visitation Of Their Children

Section 11 allows the Secretary to require States to report to the Secretary their strategies and progress in implementing or expanding non-custodial parental visitation programs.



NCSEA supports this section and believes this reporting measure would inform future discussions in this area. However, this provision must be limited to the gathering of information before any future changes are implemented which could substantially impact state laws.

Section 12 Report On Federal Prosecution for Failure to Pay Child Support Obligations

This section requires that by no later than January 1, 2013, and every year thereafter, the Attorney General must report to Congress the number of individuals prosecuted for criminal non-payment of child support. The reporting measure would allow Congress to review the criminal non-payment data, which could possibly lead to further reforms that would further improve the process.

NCSEA supports this section.

Section 13 Child Support Fees

This section would modify existing language regarding the charging of fees.

NCSEA opposes this section. NCSEA supports the state options that are currently available in existing statute. Any changes in existing legislation would be an administrative burden on the states and would require altering existing processes and making systems modifications.

THEREFORE, NCSEA resolves to urge Congress to pass the SAVE Act with the amendments as indicated above.

Adopted by the NCSEA Board of Directors on December 28th, 2011

Re-ratified by the NCSEA Board of Directors on August 11th, 2018