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Quick Facts: Child Support and Child Welfare

This Quick Facts guide provides information about how the child support and child welfare programs work together

The Child Support Program¹ is a successful federal-state-tribal partnership that seeks to promote economic stability for children whose parents live apart. It serves one in five children nationwide² and collects \$5.12 for every \$1 in public funds invested. In FY 2018, \$34 billion was collected in 13.9 million cases for 14.7 million children.³

Child Support and Child Welfare agencies share many children and families in common within their caseloads. These programs can share information with each other about these children and families, resulting in several benefits:

- Increased child support collected by child support agencies on the child and caregiver's behalf.
- Paternity establishment for children born out of wedlock.
- Parent and relative location information, to aid in foster care case planning and permanency solutions for the child.

Ever since the Child Support Enforcement Amendments of 1984,⁴ federal law has required child welfare agencies to secure an assignment to the State of any rights to support for children receiving Title IV-E foster care payments. After a child is placed in foster care, the state child welfare agency must determine if it is appropriate to refer the case to the state child support agency. Once a case is referred, the child support program is required to establish paternity and a child support order, if not previously established, and to collect child support from one or both parents of the child. Collections received from the paying parent(s) are retained by the government to repay the cost of care of the child in foster care.⁵ Any

¹ Title IV, Part D of the Social Security Act (42 U.S.C. 651, *et seq.*).

² https://www.acf.hhs.gov/sites/default/files/programs/css/2018_infographic_national.pdf

³ <https://www.acf.hhs.gov/css/resource/fy-2018-preliminary-data-report>

⁴ 98 P.L. 378, 98 Stat. 1305, 98 P.L. 378, 98 Stat. 1305.

⁵ 42 U.S.C. 657(e)(1) and (3).

collections in excess of the cost of care are sent to the child welfare agency to be used in the best interests of the child.⁶

It is the state child welfare agency's responsibility to determine which cases are appropriate to refer to the state child support agency. However, in 2012, the U.S. Department of Health and Human Services encouraged state child welfare and child support agencies to collaborate to develop criteria for appropriate referrals.⁷ Such referrals may be appropriate when a child is expected to be in foster care for a sufficient period of time to establish paternity and/or a child support order. A referral for child support services may also result in a shorter foster care stay, if the state is successful in establishing and collecting child support for a single parent or relative caregiver who would be able to care for the child with the additional financial support.

There are also reasons where it may not be appropriate for the child welfare agency to refer a case to the state child support agency⁸. Some of these reasons may include:

- A child is expected to be in foster care only for a short period.
- The non-residential parent may be considered for possible placement of the child.
- A termination of parental rights proceeding is pending or imminent.

Whether or not a state child welfare agency elects to refer a case for child support services, the child welfare agency may choose to utilize the valuable locate information available through the child support program. In 1997, the Adoption and Safe Families Act (ASFA) established permanency, safety and well-being as national goals for children in the child welfare system.⁹

ASFA amended section 453 of the Social Security Act to authorize child welfare agencies to request information from the Federal Parent Locator Service (FPLS) to locate an individual who is or may be a child's parent. Child welfare agencies may access information from the FPLS through the federal Office of Child Support Enforcement (OCSE) Child Support Portal.¹⁰ Such information can also help child welfare agencies to identify a parent or relative for placement of the child outside the primary home, or to help rule out a parent as a possible placement.

⁶ 42 U.S.C. 657(e)(2).

⁷ See ACYF-CB-IM-12-06 and OCSE-IM-12-02, *Requests for Locate services, Referrals, an Electronic Interface between Child Welfare and Child Support Information Systems*, August 1, 2012.

⁸ If a child in foster care is not eligible for title IV-E federal funding (for example, the child was removed from a household that would not be eligible for assistance under the former Aid to Families with Dependent Children (AFDC) program), the child welfare agency must complete an application and submit a fee (if applicable) for child support services. There is no automatic referral to the state child support agency.

⁹ ADOPTION AND SAFE FAMILIES ACT OF 1997, 1997 Enacted H.R. 867, 105 Enacted H.R. 867, 111 Stat. 2115, 105 P.L. 89, 1997 Enacted H.R. 867, 105 Enacted H.R. 867.

¹⁰ Access to the FPLS is authorized by OCSE after OCSE and the state child welfare agency execute a Memorandum of Understanding and a Reimbursement Agreement. See [FAQ: Child Welfare access to the Federal Parent Locator Service \(FPLS\) State Services Portal \(SSP\)](#).