



Resolution for Support of Establishing Parenting Time Orders

Introduction

Congress authorized the Title IV-D child support program (“IV-D program”) to establish paternity and support orders for financially vulnerable children of separated and never-married parents. However, it is not an authorized function of the state and tribal agencies administering the IV-D program to determine parenting time schedules (formerly and/or sometimes known as “visitation”). While the issues of support and parenting time are legally separate, from the parents’ perspective they are essentially intertwined. In recognition of the frustration experienced by families and the courts, federal, state, tribal, and local IV-D agencies have initiated programs and studies to understand how best to address incorporating parenting time considerations in conjunction with the IV-D support orders. While the IV-D program is not designed, staffed, or funded to conduct discovery or make case-by-case evidentiary findings regarding the issue of parenting time, there are effective ways for the IV-D program to incorporate the findings or agreements made elsewhere into the IV-D legal orders of support.

Recent research sponsored by the Federal Office of Child Support Enforcement (OCSE) published in FY2018 finds that supporting a child financially and emotionally are interrelated, and that parents with parenting time orders are more likely to receive child support. Moreover, historical studies have shown that when parents owing support spend time with their children, they make more on time and in full child support payments. Researchers have also found that positive, engaged parenting and the receipt of child support are associated with lower levels of behavioral problems and improved academic achievement among children¹.

With all these considerations, it is time to include establishing parenting time orders as an authorized IV-D program function that receives the program’s federal financial participation funds.

¹ “Potential Monetary Values of Responsible Fatherhood Program Outcomes for Fathers and Children: A Framework for Monetizing the Future Stream of Two-generational Benefits and Avoided Cost”, Fatherhood Research and Practice Network, June 2019



Background

For more than 45 years, the IV-D program has been critical to the economic security of families. Moreover, it ranks as one of the most cost-effective social programs in government that works to encourage responsible parenting, family self-sufficiency, and child well-being.

The Need for Parenting Time Orders in IV-D Cases

Married parents ending their relationship are usually legally required to address parenting time as part of the divorce process. However, separated and unmarried parents in the IV-D program do not have a defined path for resolving parenting time issues. The IV-D program handles only the issue of child support, and the parties must address parenting time issues in a separate legal proceeding. As child support and parenting time are separate rights, they are usually governed by different state statutes.

Moreover, not establishing parenting time orders along with paternity and support orders further burdens low-income parents. Low-income parents are faced with the options to spend their own funds on legal counsel to enter an order of parenting time or to navigate the courts alone. With those limited options, most separated families and unmarried parents in the IV-D program have no parenting time order which can exasperate the uncertainty and conflict of an already delicate relationship.

Congress recognized the connection between child support and parenting time by authorizing the Child Access and Visitation Grant (AV) Program as a provision in the Personal Responsibility and Work Opportunity reconciliation Act of 1996². The overall goal of the program, which is administered by OCSE, is to enable states to establish and administer programs that support and facilitate parents owing support access to and visitation with their children. Pursuant to that legislation, \$10 million in mandatory grant funding is awarded yearly to states and territories to operate the AV program. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and

² [Public Law 104-193](#)



pick-up) and development of guidelines for visitation and alternative custody arrangements.

For the last thirty years, IV-D agencies have made forays to incorporating parenting time plans into child support orders. Many programs invited local providers of mediation services to offer parenting time mediation to parents relating to their paternity and establishment cases. The increased attention to this issue was shown with an OCSE federal demonstration grant offered in 2012 for a five-site four-year pilot grant called the Parenting Time Opportunities for Children (PTOC). This grant focused on developing strategies for promoting the establishment of parenting time orders at the same time as the initial child support orders. On October 1, 2019, OCSE published a research brief³ that summarizes the findings from the 2012 PTOC grant, which demonstrated that child support agencies can successfully incorporate parenting time orders in the child support establishment process. The protocols developed in the pilot sites included family violence safeguards in the process.

There has been recent legislative support for combining the establishment of parenting time orders with child support paternity and establishment orders. In September 2014, Congress enacted the Preventing Sex Trafficking and Strengthening Families Act⁴ that included a Sense of Congress (Section 303) expressing the “important goal” of incorporating parenting time with strong family violence safeguards in child support orders. Current pending legislation, the PARENTS Act of 2020⁵, (introduced in the 116th Congress) would amend Part D of Title IV of the Social Security Act to allow states to use incentive payments available under the child support enforcement program to improve parent-child relationships, increase child support collections, and improve outcomes for children by supporting parenting time arrangements for parents owing support in uncontested agreements. Additionally, the Strengthening Families for Success Act of 2020 has been introduced in the 116th Congress and would establish the Parenting Time Services Pilot Project program to develop and implement uncontested parenting time agreements in child support orders⁶.

³ <https://www.acf.hhs.gov/css/resource/parenting-time-opportunities-for-children>

⁴ Public Law No: 113-183

⁵ S. 3325 and H.R. 7725 (116th Congress)

⁶ S. 4844 and H.R. 8704 (116th Congress)



NCSEA supports expanding the federal IV-D financial participation to include activities related to establishing parenting orders. While Incentive payments have been a key funding source to allow states to innovate and develop pilot programs, they cannot sustain real integration of parenting time orders in the child support program. Expansion of the federal IV-D financial participation rate to include activities related to establishing parenting time orders will allow for on-going and continuous efforts to integrate the establishment these parenting time orders in establishment of child support processes.

THEREFORE, NCSEA resolves to urge Congress to:

Enact legislation that would:

- Make the establishment of parenting time orders an allowable activity for child support expenditures under title IV-D of the Social Security Act such that it is eligible for 66% Federal Financial Participation (FFP) and allowable use of Title IV-D incentive payments.
- Increase the Access and Visitation (AV) Program grant funds to allow more families to be served and to target the child support population, with emphasis on unmarried parents.

Adopted by the NCSEA Board of Directors on December 10, 2020