



February 7, 2022

Commissioner Tanguler Gray
Office of Child Support Enforcement
Administration for Children and Families, U.S. Department of Health & Human Services
330 C St., S.W.
Washington, DC 20201

Re: Child Support Program Priorities for the Federal Office of Child Support Enforcement

Dear Commissioner Gray:

Our warmest congratulations on your appointment as Commissioner of the Office of Child Support Enforcement (OCSE). NCSEA is excited and eager to work with you and your office to support our nation's children and families and improve their well-being. As one of our past presidents, we know that you recognize the work that NCSEA engages in to shape the future of child support. On behalf of our members, we respectfully request your consideration of the following priorities for action by OCSE that we believe will positively impact the child support program and the families and children we serve.

Over the years, NCSEA has published a range of resolutions and position papers that identify specific administrative actions OCSE could take both to make the nation's child support program more effective and efficient and to help state programs better serve families and children in the modern environment. Those statements can be found [here](#) on our website.

In the following paragraphs, we provide a sample of OCSE actions we believe would substantially improve the child support program, categorized by the targeted impact:

Evolution of the Child Support Program

1. Continue to improve the partnership between the child support program and other federally authorized programs to promote and facilitate familial self-sufficiency and personal responsibility.
 - a. Work with the Internal Revenue Service (IRS) to modernize the interpretation of permitted uses of federal tax information and the overall interaction of state and Tribal agencies with the IRS.
 - b. Work with the U.S. Department of Labor to establish, by regulation or guidance, the maximum amount employers may withhold for child support from income paid to independent contractors.
 - c. Collaborate with the Administration on Children, Youth, and Families (ACYF) to convene a federal-state workgroup of child support and child welfare leaders at the federal and state levels, along with parents with experience as child welfare clients, that would:
 - i. Identify best practices for child support/child welfare interaction that can be disseminated nationally.



- ii. Develop recommendations for information-sharing between child support and child welfare agencies, including encouraging child welfare agencies to use Federal Parent Locator Service (FPLS) data more productively.
 - iii. Develop guidance—for situations where there is a formal reunification plan—indicating a referral to pursue support against the removal parent is appropriate under section 471(a)(17) of the Act only if the child welfare agency determines the referral is in the best interest of the child.
 - iv. Assess the impact of a best interest of the child standard for use of child support collections in foster care cases and whether states should consider the option of using such collections for a trust fund to help the removal parent improve the child's standard of living following reunification.
 - v. Specify an agenda for future research concerning the impact of child support establishment and enforcement on child welfare cases, especially children in out-of-home placements.
 - vi. Fund research on the impact of child support referrals on out-of-home placement stays, cost-effectiveness, and related issues.
2. Publish the Final Rule on a substitute minimum paternity performance level during the pandemic period with additions recommended by NCSEA, specifically extension of penalty relief through FFY 2022 and giving the Secretary of DHHS authority to provide further penalty relief in future years.
3. Modify the federal rules—with input from state, Tribal, and international agencies—to reduce duplication of effort and improve intergovernmental case processing by addressing ongoing challenges such as limited services requests, case closure, and other case-processing roadblocks.
4. Issue guidance indicating that OCSE will interpret all references to “paternity” in Title IV-D and the related federal regulations to be construed to mean “parentage,” except for provisions regarding genetic testing.
5. Engage with national associations—including the American Bar Association (ABA) and the National Center for State Courts (NCSC)—to educate their members on considerations related to seeking and establishing retroactive support, including retroactive lookback timeframe and amounts.
6. Update federal guidance related to review and modification of child support orders, including confirming that states may proactively initiate the review or modification of a current child support order in the absence of a request by either parent, encouraging states to do so when appropriate and to engage with parents to educate them about when to request change of circumstance modifications.
7. Market periodically the OCSE training/information hub of available offerings from OCSE, such as those around Behavioral Interventions for Child Support Services, Procedural Justice-Informed Alternatives to Contempt, and domestic violence, using targeted methods including a section in the OCSE Child Support Report.



Modern Technology

1. Support expanded data matching of child support systems with other state and federal agency systems, such as Unemployment Insurance, Medicaid, Social Security Administration programs, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and quarterly wage information, and support the creation of a shared data warehouse, to:
 - a. More seamlessly refer cases to state, Tribal, and local child support agencies.
 - b. Update customer information.
 - c. Improve case processing.
 - d. Proactively initiate the review or modification process.

Child Support Program Partners and Partner Agencies

1. Expand the fatherhood program focus by engaging with other federal agencies and national organizations on fatherhood initiatives.
2. Continue to promote further study and demonstration programs to determine the most effective employment and parenting program models for serving parents owing support—including subsidized employment—through funding and approval of state waivers and guidance encouraging states to ask for waivers.
3. Broadly publicize and encourage use of OCSE's existing single point of contact for employers to report employees' lump-sum payments in lieu of reporting them separately to each state in which the employer does business.
4. Formally request that the Judicial Conference of the United States change the Federal Rules of Civil Procedure to require notification to OCSE or state child support agencies following certification of a class action and, prior to payment of any claim to a class member, notification by one of the parties to the action (as provided by the court) of the Social Security number or other personal identifier of any claimant.

NCSEA appreciates the opportunity to provide these suggestions, and we value continued discussion with you and your office around further improving the child support program for the children and families it serves. We respectfully urge you to consider and act on our suggestions, and we welcome any questions we can answer or clarification we can provide.

Submitted on behalf of NCSEA by:

Ann Marie Ruskin
NCSEA Executive Director