Alexandra Popescu, Co-Chair
Emerging Issues and Leading Practices Subcommittee
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In its legislative advocacy work, NCSEA engages policymakers at the local, state, Tribal, and federal levels to advance sound public policy, secure adequate resources for program implementation, and ensure children receive the full support they deserve. The organization develops and publicizes policy positions on emerging legal and administrative issues, collaborates with strategic partners, and furnishes lawmakers with timely, evidence-based information. By fostering alliances with other associations and advocacy groups, NCSEA influences legislation affecting child support guidelines, enforcement, and program administration—helping to shape reforms that strengthen the child support system.

Work & Welfare Subcommittee Hearing on Strengthening the Child Support Enforcement Program: Status, Challenges, and Opportunities for Modernization

On January 21, 2026, **NCSEA President Connie Chesnik** (Administrator, Wisconsin Division of Family and Economic Security in the Department of Children and Families), **Jessica Tollestrup** (Specialist in Social Policy, Congressional Research Service (CRS) Domestic Social Policy Division), **Ruth Anne Thornton** (Director, Texas Office of the Attorney General, Child Support Division), and **Nick Gwyn** (Senior Fellow, Center on Budget and Policy Priorities) testified in front of the Work & Welfare Subcommittee on NCSEA's legislative proposal to modernize the child support program. NCSEA's proposal seeks to:

- Increase Self-Sufficiency and Streamline Program Operations by Eliminating Recovery of TANF Benefits
- Strengthen Enforcement to Improve Collections for Single-Parent Families
- Streamline Intergovernmental Case Processing
- Update and Strengthen Federal Performance Measures

The hearing's recording is available here.

Recent federal final rules:

USPS Postmark Policy Change

Effective December 24, 2025, the U.S. Postal Service updated its Domestic Mail Manual (DMM) by adding Section 608.11, "Postmarks and Postal Possession." See Postmarks and Postal Possession. This formally defines what constitutes a postmark, clarifies which Postal Service markings qualify as one, explains when they're applied, and outlines how to get proof of the exact date the Postal Service accepted mail.

What does this change mean?

Possession date ≠ postmark date: A postmark indicates the date stamped, not necessarily the date USPS received the item. In other words, the date on a postmark reflects the first automated processing operation (often at a sorting facility) not necessarily the date of acceptance by the Postal Service.

Many state laws permit pleadings and other papers to be served by mail. While the rules for service haven't changed, the postmark date can no longer be relied on as proof of the date of mailing.

From now on, customers seeking proof of mailing date may consider some of the following options:

- ✓ Mail early
- ✓ Manual/local postmark at a retail counter
- ✓ Postage Validation Imprint (PVI) that includes mailing date
- ✓ Certificate of Mailing, or use Registered or Certified Mail, to obtain evidence of the mailing date
- ✓ Complete a declaration of mailing

No changes to current operations or automated postmarking processes for single-piece First-Class Mail (letters and flats); rather, this rule codifies existing procedures without altering them.

Military Apportionment

Effective February 9, 2026, the Department of Veterans Affairs (VA) has amended its regulations to significantly limit benefit apportionments by discontinuing need-based apportionments in most cases. See Apportionments – Final Rule. However, apportionments will still be allowed when:

- A veteran or surviving spouse is incarcerated, or
- An incompetent veteran, without a fiduciary, is institutionalized at government expense

Rationale Behind the Rule

- **VA administrative limitations**: VA claims processors lack the legal authority to compel verification of income or expenses—unlike state courts—which can result in financially inappropriate decisions.
- **State court expertise preferred**: Family law issues like child or spousal support are deemed more suitable for adjudication by state courts, which are better equipped to gather evidence and align with state-level awards.
- **Resource and workload concerns**: Processing detailed apportionment claims is time-consuming and burdensome for VA, delaying other claims processing.

Impact on Beneficiaries

- ➢ Current apportionment arrangements remain unaffected—existing need-based apportionments will continue uninterrupted *unless the beneficiaries' situation changes* (for example, divorce, death, or re-establishment of a fiduciary).
- ➢ New need-based requests will be denied, except under the special conditions noted (incarceration or institutionalization).
- ➢ States that previously relied on military apportionments should be aware that the use of income withholding to collect child support from VA benefits is prohibited. That enforcement tool is only available after the payment has been disbursed to the veteran.

Recent Proposed Federal Rule Changes:

Proposed changes to Treasury Offset Program (TOP) in 31 CFR Part 285.

On December 23, 2025, the U.S. Department of Treasury, Bureau of Fiscal Service published a proposed rule revising the existing regulations regarding the Treasury Offset Program, also known as "TOP." The reasons for changing the regulations are as follows:

- ✓ restore statutory flexibility that was unnecessarily restricted
- ✓ implement new authorities, including the Tribal Child Support Enforcement Act
- ✓ eliminate repetitive and unnecessary language
- ✓ reword certain provisions for clarity, consistent with the requirements of the Plain Writing Act of 2010 and Executive Order 12866, and
- ✓ better organize the regulations for easier comprehension.

These proposed updates aim to modernize and clarify Treasury Offset Program regulations, improving transparency and effectiveness in recovering delinquent federal, state, and Tribal debts while maintaining statutory protections for debtors. However, concerns have been raised by the National Council of Child Support Directors (NCSSD) in their comments submitted during the open comment period (**which ended on February 23, 2026**). The proposed changes create a different notice period for administrative offsets (retains the current 30 days) than tax refund offsets (changes to 60 days), which would be problematic since states currently combine both types of notices and they would now have different timelines. The changes also expand the content of the pre-offset notice for both administrative and tax refund offsets, and create inadvertent actions such as:

- An opportunity to inspect and copy the records of the creditor agency pertaining to the debt
- An opportunity for a review within the creditor agency of the determination of indebtedness, including an opportunity to present evidence that all or part of the debt is not past-due or legally enforceable
- An opportunity to enter into a written repayment agreement with the creditor agency.

Additional updates will be provided once they are available.
