Children's Bureau - OCSE Joint Letter on Updated Child Support Referral Policy

Listen

DCL-22-06

Publication Date: July 29, 2022 | **Current as of:** July 29, 2022

DEAR COLLEAGUE LETTER

DCL-22-06

DATE: July 29, 2022

TO: State IV-D Directors

SUBJECT: Children's Bureau - OCSE Joint Letter on Updated Child Support Referral Policy

ATTACHMENT: Joint letter regarding the Assignment of Rights to Child Support for Children in Foster Care (PDF)

Dear Colleague:

The attached letter is released in partnership with the Children's Bureau in ACF's Administration on Children, Youth, and Families. It highlights a new question and answer in the Child Welfare Policy Manual regarding when it is appropriate for a title IV-E agency to secure an assignment of rights to child support for a child receiving title IV-E foster care maintenance payments in accordance with section 471(a)(17) of the Social Security Act.

Sincerely,

Tanguler Gray
Commissioner
Office of Child Support Enforcement

ADMINISTRATION FOR
CHILDREN & FAMILIES
330 C Street, S.W., Washington, D.C. 20201 | www.acf.hhs.gov

July 29, 2022

Dear Colleague:

The Administration for Children and Families' (ACF) Children's Bureau (CB) and Office of Child Support Enforcement (OCSE) value collaborative efforts that stabilize and reunify the children and families we serve. This letter highlights a new question and answer (Q&A) in the Child Welfare Policy Manual (CWPM) regarding when it is appropriate for a title IV-E agency to secure an assignment of the rights to child support for a child receiving title IV-E foster care maintenance payments (FCMPs) in accordance with section 471(a)(17) of the Social Security Act. ACF encourages child welfare agencies to implement across-the-board policies that require an assignment of the rights to child support for children who receive title IV-E FCMPs only in very rare circumstances. See CWPM, Section 8.4C, Question #5.

OCSE relies on the IV-E agency to refer cases as appropriate. ACF wants to ensure that only cases that have been thoroughly reviewed, and will not disrupt the reunification process, are referred to the state IV-D agency for the establishment of paternity or a support order. This approach allows the IV-D agency to continue their current practices of processing appropriate cases, and will result in both state agencies being less intrusive in the lives of the families we serve.

Many parent(s) of children who receive FCMP are living in poverty and are too often required to pay child support to the state to offset the cost of their child placed in foster care. This can negatively impact a family that is trying to develop and maintain familial and economic stability to reunify with their child. It is not in the best interest of any family to be pursued for child support when they have already been whipsawed by economic insecurity, family instability, and separation.

In order to be reunified with their child, parent(s) are typically required to participate in a variety of agency-directed activities, efforts, and services. This may include regular or supervised family time, therapy, parenting courses, and treatment for substance use disorder. Reducing a parent's income impedes their ability to engage in reunification efforts, potentially extending the time the child spends in foster care. For example, a study of Wisconsin data suggests that "ordering mothers to pay support to offset the costs of foster care delays reunification…a $100 increase in the monthly child support order amount is predicted to increase the months to reunification by 6.6 months (evaluated at the median time-to-reunification value, which is 11 months). Estimates of time to permanency (including reunification, adoption, and guardianship) yield very similar results."[1]

In addition to impacting economically vulnerable families, securing an assignment of the rights to child support is generally deemed not to be cost effective. Analyses have shown that efforts to collect child support are very low yield, particularly in comparison to the costs of administering

[1] Cancian, M., Cook, S., Seki, M., & Witmer, L. (2016). Making parents pay: The unintended consequences of charging parents for foster care. Children and Youth Services Review, 72, 100-110.

child support for children in title IV-E foster care agencies. While the exact cost can be difficult to calculate, a study conducted by the Orange County Department of Child Support Services reflects that in Federal Fiscal Year (FFY) 2018, California collected $0.41 for each dollar expended[2], while an analysis conducted by the Washington State Department of Social and Health Services Division of Child Support reflects that in FFY 2018, Washington State collected $0.39 for each dollar expended.[3] All of these findings suggest that creating further parental economic instability, by seeking child support, is inefficient and detrimental to children and families who are working to reunify.

ACF encourages child welfare agencies to make this important change in support of children and families. However, we are also aware that policy changes can be challenging to implement. For example, some child welfare agencies have data systems that automatically refer parents to the child support agency when a child enters care. We ask that child welfare agencies make the necessary amendments to their systems to effectively implement a policy where the default position is not to refer parents to the child support agency. Agencies may be able to claim title IV-E administrative funds to make such changes in accordance with an approved cost allocation plan. The CB and OCSE program offices will be supportive, and invite agencies to contact and work with their respective CB regional offices if they need support to implement this change.

ACF takes every opportunity to reinforce our commitment to seeking equitable outcomes for each family we serve, especially those who have been historically underserved. We want to support parents by eliminating the stress that accompanies administrative and court appearances – particularly when it leads to additional financial obligations. In order to achieve that goal and to advance equitable outcomes for children and families, we are committed to strengthening our partnerships with state, tribal, and local governments.

Together, in partnership with you, we will continue to work hard to find innovative ways to support parents and to remove barriers to reunifying families as quickly and safely as possible.

In Partnership,

/s/
Aysha E. Schomburg
Associate Commissioner, CB

/s/
Tanguler Gray
Commissioner, OCSE

---

[2] Orange County Department of Child Support Services. (Second Edition, July 2020). Child Support and Foster Care Special Study. https://www.css.ocgov.com/sites/css/files/import/data/files/116568.pdf

[3] Washington State Department of Social and Health Services, Economic Services Administration, Division of Child Support. (2019). Washington's Cost Effectiveness for Foster Care Child Support Cases. https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/Cost%20Effectiveness%20-FC%20collections%20FINAL.pdf
Skophammer, Trish. (2017). Child Support Collections to Offset Out of Home Placement Costs: A Study of Cost Effectiveness. Dissertation for the Graduate School of Hamline University. https://digitalcommons.hamline.edu/hsb_all/16