

■ BRIEF

Administrative Actions for a Family-Centered Child Support Program

MEGAN RIVERA, NATALIA COOPER,
 LAURA TATUM, & DOUG STEIGER

All kids and their families deserve economic security, regardless of their family structure. The child support program should improve the economic security of families by ensuring regular child support payments and directing those payments to families. The child support program should not increase noncustodial parents' economic insecurity. The program should eliminate harmful and inequitable effects of enforcement measures on noncustodial parents who are unable to pay.

The child support program of the Office of Child Support Services (OCSS) within the Administration for Children and Families (ACF) is a federal-state program that obtained financial support for 12.8 million children and their custodial parents in 2022.¹ The program was established in 1975 as a “cost recovery” program designed to recoup government expenditures on public assistance by collecting money from noncustodial parents, but has shifted program priorities over time toward supporting family well-being.^{2,3} Federal policy permits states to keep a portion of child support collections as reimbursement for current or past government expenditures on benefits from Temporary Assistance for Needy Families (TANF).^{4,5} In order for families to receive TANF benefits, they are required to cooperate with child support services.⁶

The program's focus on cost recovery for “welfare” spending is consistent with historical narratives in the United States around the “deserving” and “undeserving poor”—those who cannot be blamed for their poverty and those who can—categories that have been racialized to denigrate Black people.^{7,8} Rather than punishing families for poverty and allowing governments to keep payments, the child support program should prioritize economic security and well-being for children, custodial parents, and noncustodial parents.

OCSS has, especially since 2016, moved toward a family-centered approach, prioritizing meeting families' needs.⁹ Since 2021, the Biden-Harris Administration has taken a series of actions to reorient federal child support services towards a family-centered approach.¹⁰

In this brief, we highlight where progress has been made—and where ACF could still take additional steps in 2024.

The Shift to Family-Centered Child Support Remains a Work in Progress

The child support program's origins were fueled by pervasive harmful narratives and racist stereotypes about noncustodial parents, specifically Black noncustodial parents.^{11,12} From the 1970s to 1990s, the federal government implemented aggressive and punitive child support enforcement measures that disproportionately targeted Black fathers.¹³ Policymakers, including President Ronald Reagan, used racist and sexist tropes like “welfare queens” and “deadbeat dads” to justify the implementation of these aggressive enforcement measures.^{14,15,16,17,18} This approach to child support enforcement policy punishes people for experiencing poverty rather than addressing systemic structures that perpetuate poverty, with devastating effects on Black families in particular.¹⁹

Ongoing problems with the child support system, discussed in this section, include:

- Child support obligations can be unreasonably high and based on flawed assumptions;
- States keep some child support money rather than disbursing all of it to custodial parents;^{20, 21}
- Unreasonable child support obligations can drive parents with low incomes into unpayable debt;²² and
- Aggressive enforcement measures are punitive and harm noncustodial parents—especially noncustodial parents who are Black and have low incomes—who are unable to pay their child support orders.²³

CHILD SUPPORT OBLIGATIONS CAN BE UNREASONABLY HIGH & BASED ON FLAWED ASSUMPTIONS

Unreasonably high child support orders—that do not reflect noncustodial parents’ ability to pay—can push parents into poverty. In 2018, at least 300,000 noncustodial parents fell below the poverty line as a result of paying their child support obligations.²⁴ Parents would be better able to meet their child support obligations if the amount reflected their actual ability to pay instead of leaving them with a choice between poverty or unmanageable child support debts.

Since 2016, the federal government has sought to make child support obligations more appropriate by requiring states to use evidence of parental earnings, income, and ability to pay in setting child support orders rather than relying on standard presumptions and minimum orders that are not based on evidence.²⁵ The 2016 comprehensive revision of the regulations governing the child support program (the Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs rule—“the 2016 rule”) directed child support orders to include noncustodial parents’ fundamental subsistence needs—food and shelter—when they consider the parents’ ability to pay.²⁶ The 2016 rule prohibited states from setting child support orders based on assumptions that parents earn the equivalent of the minimum wage and work full-time—as was common practice prior to 2016—and empowered states to reduce existing child support orders that were not based on evidence of earnings.^{27, 28} However, families continue to experience unreasonably high child support orders that are detrimental to their economic security and well-being due to state variations in their implementation of the 2016 rule. Some states did not elect to automatically reduce existing child support orders as allowed in the 2016 rule, but instead elected to provide notice of noncustodial parents’ right to request a revised order^{29, 30}—creating a bureaucratic barrier for noncustodial parents.

When child support policies assume steady, year-round employment based on “potential” income estimated for parents instead of evidence of parents’ actual incomes, the system burdens parents who have volatile incomes with child support obligations that are too high.³¹ Many parents have variable incomes due to inconsistent scheduling or seasonal shifts in employment, and child support orders are not automatically adjusted based on fluctuations in incomes—parents must take action to initiate order modifications.³² Nearly 40 percent of working-age adults with low incomes have at least six spikes or dips in household income per year.³³ Income volatility in conjunction with pre-2016 policies likely contributed to lower rates of parental compliance with child support orders. Child support payment rates are lower for parents whose orders were set based on estimated income than for parents whose orders are based on their actual income.³⁴

Under federal statute, all states must have a process to review and adjust child support orders to reflect new financial circumstances experienced by either parent, and states are required to review an order if requested.^{35, 36} In many states, modification requires lengthy and cumbersome judicial or administrative procedures that make it difficult for parents to revise out-of-date child support obligations, leading to accumulating debts.^{37, 38}

STATES STILL KEEP CHILD SUPPORT MONEY THAT CUSTODIAL PARENTS NEED

Federal and state governments keep more than \$1 billion in child support collections annually rather than provide them to custodial parents.³⁹ The amount kept by states has diminished over time. In 2022, 96 percent of all child support collections were distributed to families and the governments kept the remaining 4 percent as reimbursement.⁴⁰ The child support program labels these payments as “reimbursement” for government spending on TANF and splits the revenue between the federal and state governments.⁴¹ TANF cost recovery policies apply to almost half of the child support program participants. In FY 2022, 7.3 percent of families in the child support program were participating in TANF; and 39 percent of families in the child support program previously participated in TANF.⁴² The collections kept by the government are cash that could be directed to custodial parents to provide food, shelter, clothing, and other necessities for their child.^{43, 44}

Child support payments should directly support children and families rather than be converted into government revenue. Children in families participating in TANF received only 33 percent of the child support funds collected by the state from their noncustodial parents in FY 2022—the remainder was withheld by the government.⁴⁵ Directing child support payments to families would better support families experiencing poverty as they overcome barriers to economic security. Among custodial parents experiencing poverty who received full child support payments in 2017, child support payments accounted for nearly 57 percent of their average personal income.⁴⁶ In addition, the receipt of full child support payments by custodial parents experiencing poverty has been shown to reduce government expenditures on public benefits.⁴⁷

For custodial families who are not participating in TANF and never have, collections are directed from the noncustodial parent to the custodial family. For families that previously participated in TANF or other federal benefits programs, collections are directed to families, but the state can withhold tax refunds as payment for arrears.^{48, 49} But for families participating in TANF, reimbursing the government has remained the priority.

Since 2005, the federal government has provided a mechanism for states to “pass-through” more funds to families participating in TANF. States have discretion on how to distribute child support collections for families participating in the TANF program. When a state collects a child support payment from a noncustodial parent of a child in a family participating in TANF and the state chooses to withhold the payment, the state must share the reimbursement with the federal government. States that “pass-through” child support collections to custodial families (up to \$100 per month for families with one child and up to \$200 per month for two or more children) are no longer required to reimburse the federal government. Families who rely on child support payments to meet their children’s needs should receive the entirety of the contributions made by the children’s parents.

Cost recovery can also remove resources from children in foster care and stand in the way of stronger family bonds. In some states, like Wisconsin, parents whose children are in foster care have sometimes been required to pay child support to offset the costs of foster care. This practice drains parents of their financial resources, which can prevent or delay reunification.⁵⁰ Research indicates that timely reunification promotes a child’s long-term well-being.⁵¹ If a child is in foster care, child support payments made by the child’s parents can be kept by the state as reimbursement and not directed to a child’s current caregiver, depriving the child of needed resources.⁵²

UNREASONABLE CHILD SUPPORT OBLIGATIONS DRIVE PARENTS INTO UNPAYABLE DEBT

Many noncustodial parents experience a range of barriers to meeting their child support obligations.⁵³ Typically, parents who owe large child support arrears—or past due obligations—are unemployed or

underemployed, and many have a history of incarceration. One 2021 study showed that 90 percent of parents not paying child support in the first year after their first child support order was put in place had annual incomes of \$10,000 or less.⁵⁴ According to ACF, 60 percent of noncustodial parents who owed more than \$100,000 in child support arrears had no reported income in FY 2016.⁵⁵

In 2021, noncustodial parents owed roughly \$21.1 billion in arrears to the government—and \$10.4 billion of that amount was for cases over 20 years old.⁵⁶ The older arrears are, the less likely they are to be paid back.⁵⁷ Federal law permits government withholding up to 65 percent of a paycheck when a noncustodial parent owes child support if the arrears are owed for 12 weeks or more.⁵⁸ This practice is counterproductive to improving children’s well-being and disproportionately harms noncustodial parents with low incomes, as most of this debt is owed by parents who are already trying to make ends meet on low or no take-home pay.^{59, 60, 61}

State laws allow child support programs to charge interest on child support debts, constraining noncustodial parents’ ability to meet payment obligations.⁶² This detrimental cycle increases total debt for noncustodial parents,⁶³ often leading to unmanageable financial burdens.⁶⁴ Interest charges on child support arrears are authorized in 34 states, along with Guam and Puerto Rico.⁶⁵ Some states have applied exceptionally high interest rates of up to 12 percent on child support arrears.⁶⁶

Recognizing the financial strain, some states and cities have created programs to assist noncustodial parents with debt from child support.⁶⁷ Virginia has created a long-term debt compromise program, providing noncustodial parents with debt reductions following consistent monthly payments.⁶⁸ New York City allows noncustodial parents to reduce interest by completing state-certified programs.⁶⁹ At least 36 states have created debt compromise programs for noncustodial parents.⁷⁰ Analysis of a child support debt relief pilot program found that when past debt was forgiven to ensure all support goes to families, payment consistency improved, parent credit scores improved, and relationships between children and parents improved—highlighting the benefits of moving away from punitive enforcement of child support.⁷¹

Child support obligations for parents involved in the criminal legal system can turn into overwhelming government-owed debts⁷² that disincentivize formal employment,⁷³ undermine family relationships, and increase unreported income generation (such as cash-based businesses).⁷⁴ While incarcerated, parents typically are barred from earning countable income.

One study found that about 46 percent of noncustodial parents making no child support payments were incarcerated at some point during the year.⁷⁵ Prior to the ruling in the 2011 Supreme Court case *Turner v. Rogers*⁷⁶—and its incorporation into the 2016 rule⁷⁷—many states mandated that the support obligations of incarcerated parents remain the same during incarceration and deemed incarceration a form of “voluntary unemployment.”⁷⁸ These policies resulted in the accumulation of billions of dollars of uncollectible child support debts that undermined successful returns to the community upon release. These policies have disproportionately harmed Black noncustodial fathers, as Black men are disproportionately targeted by the criminal legal system due to discrimination and over-policing.⁷⁹

Child support programs continue to perpetuate punitive financial harms for noncustodial parents who are incarcerated despite progress made after the 2016 rule. The rule sought to end the treatment of incarceration as voluntary unemployment and required states to allow incarcerated parents to request a review and adjustment of their orders.⁸⁰ Incarcerated parents may still be faced with significant debt upon release if they are not aware that it is accruing or are unable to navigate the complex process of exercising their right to obtain a modification.⁸¹ It is nearly impossible to modify a child support order retroactively—parents are not allowed to request child support orders be modified retroactively or backdated.⁸²

AGGRESSIVE & PUNITIVE ENFORCEMENT MEASURES HARM NONCUSTODIAL PARENTS WHO HAVE LOW INCOMES & ARE UNABLE TO PAY

Instead of supporting noncustodial parents struggling to pay child support, child support enforcement practices, like incarceration and license suspension, exacerbate economic insecurity and can further limit parents' ability⁸³ to meet child support obligations.⁸⁴ The law requires enforcement actions by state child support agencies and family courts against parents who fall behind on child support payments.⁸⁵ Many child support compliance and enforcement efforts are carried out administratively—without a full judicial proceeding—and may include income withholding, tax refund offsets, and credit bureau reporting.⁸⁶ Aggressive and punitive child support enforcement policies place blame on people experiencing poverty rather than addressing systemic inequities that perpetuate poverty, with racially disparate outcomes.

Severe consequences for noncustodial parents who miss child support payments can impede parents' abilities to make future child support payments and maintain positive parent-child relationships. For example, all 50 states have statutory or administrative provisions authorizing the suspension or revocation of various licenses, including driver's and professional,⁸⁷ for nonpayment of child support, as required by federal statute.⁸⁸ Some states revoke noncustodial parents' driver's licenses if they are unable to fully pay their child support obligations.⁸⁹ Such policies often make it more difficult for noncustodial parents to visit their children and maintain employment—and earn income that is critical to making child support payments.

In some situations, courts can bring civil and criminal contempt proceedings—which can lead to incarceration for noncustodial parents who have fallen behind on paying child support. A 2010 study showed that one of every four parents facing “any child support enforcement action” was incarcerated.⁹⁰ The 2011 Supreme Court decision in *Turner v. Rogers*⁹¹ and the 2016 rule⁹² sharply limited the use of civil contempt and jail time, but some of these enforcement actions are still required by federal law.⁹³

Punitive enforcement of child support nonpayment has disproportionately harmed Black parents in particular. Due to historical and ongoing systemic racism, Black men face persistent barriers to economic security and employment, including workplace discrimination^{94, 95} and over-policing.^{96, 97} In 2010, child support enforcement actions resulted in the incarceration of an estimated 15 percent of all Black fathers in major U.S. cities, compared to 5 percent of all fathers.^{98, 99}

Many families establish their own informal cash or in-kind assistance arrangements rather than participate in a child support system that utilizes punitive enforcement measures.^{100, 101, 102} Research on the role of informal child support shows Black families are more likely to maintain informal cash or in-kind child support systems.¹⁰³ The child support program disproportionately imposes unaffordable child support obligations on Black noncustodial parents.¹⁰⁴ Noncustodial parents who may be out of compliance with formal child support orders make financial or non-cash contributions to their families often.¹⁰⁵ Some families know they can receive more significant support or contributions through informal arrangements than they would through a formal child support order due to existing child support arrears.¹⁰⁶ These informal, often non-monetary contributions—such as food, transportation, or direct child care—are not counted toward child support obligations, but often are the result of noncustodial parents seeking ways to support their children without experiencing child support enforcement measures such as wage garnishment.¹⁰⁷

Progress to Date

Under the Biden-Harris Administration, ACF has made substantial progress toward a family-centered model of child support.¹⁰⁸ This revived commitment, which holds the promise of addressing systemic racial inequities, can be seen in the policy and programmatic actions described below.

ACF ADOPTED A NEW NAME—OFFICE OF CHILD SUPPORT SERVICES—TO DEMONSTRATE THE FOCUS ON FAMILY SUPPORT

In 2023, ACF renamed the Office of Child Support Enforcement to the Office of Child Support Services (OCSS).¹⁰⁹ This decision emphasizes the shift towards supporting families and away from overly punitive approaches to noncustodial parents. As the head of the OCSS remarked, the change reflects the “program’s commitment to serve and support the whole family.”¹¹⁰

ACF & OCSS ARE MAKING PROGRESS TOWARD “EQUITY IN ACTION” GOALS

Early in the Biden-Harris Administration, ACF launched a comprehensive agenda called “Equity in Action” with the goal of eliminating inequities in the federal programming and administration of human services.¹¹¹ OCSS developed its own Equity Action Plan as part of ACF’s Equity in Action agenda, identifying priority areas to advance equity in all aspects of OCSS work, including policy and programmatic decisions.^{112, 113} In line with this agenda, ACF has implemented several equity-minded improvements.¹¹⁴ For example, proposed legislation and regulations now include equity impact statements, and all new Section 1115 grant opportunities include equity impact clauses.ⁱ Additionally, OCSS created a toolkit for state and tribal child support programs, grant recipients, and additional stakeholders to better engage people with lived experience.¹¹⁵

In March 2023, OCSS created a new grant opportunity—the Advancing Equity in Child Support demonstration—designed to support state and tribal child support offices in their equity work.¹¹⁶ The grant funds two-year projects to conduct an equity assessment, determine how best to mitigate the identified inequities, and develop recommendations that other child support programs can use as a model.¹¹⁷ The grant encourages states to engage people with lived experience, equity experts, and community organizations focusing on issues such as domestic violence or fatherhood.¹¹⁸ Minnesota was awarded a \$3.9 million grant to fund a collaborative project with Michigan, California, and other state and tribal child support agencies to explore improvements to equity in child support processes.¹¹⁹

OCSS IS STRENGTHENING FEDERAL ENGAGEMENT WITH TRIBAL CHILD SUPPORT PROGRAMS

OCSS has expanded engagement with child support programs in American Indian and Alaska Native (AIAN) communities and improved access to technical assistance and resources.¹²⁰ For example:

- To remove barriers to growth and improvement of tribal child support programs, OCSS proposed a draft regulation in April 2023 to eliminate the requirement that tribal child support programs pay a share of administrative costs.¹²¹
- OCSS has partnered with the University of Maryland Academy for Innovation and Entrepreneurship and engaged tribal directors to identify potential solutions for challenges faced by tribal communities. Teams are working on solutions, such as enhancing the training,

ⁱ Section 1115 grants waive specific child support program requirements for experimental or pilot demonstrations, and are only awarded to state or tribal agencies. Section 1115 of the Social Security Act grants the Office of Child Support Services the authority to approve grants and waivers for experimental, pilot, or demonstration projects that are likely to improve child support program services. “Grants and Waivers Foster Program Innovation.” Office of Child Support Services, current as of 30 August 2021. Available at <https://www.acf.hhs.gov/css/outreach-material/ocse-story-series-grants-and-waivers-foster-program-innovation>

technical assistance, and support from OCSS that tribal programs can access, in response to the understanding that tribal programs desire more communication and presence from OCSS.¹²²

- OCSS has created a communications workgroup to increase tribal engagement on new materials created by OCSS to incorporate feedback.¹²³

ACF IS IMPROVING COLLABORATION BETWEEN THE CHILD SUPPORT & CHILD WELFARE SYSTEMS

A July 2022 joint letter from ACF leadership of both OCSS and the Children’s Bureau (which oversees child welfare programs) to child welfare agencies sought to limit the negative impact child support enforcement can have on families when children enter foster care.¹²⁴ The letter made a strong case that collecting child support from parents when their children are in foster care is, in many situations, likely to be both counter-productive to family reunification efforts and not cost-effective.¹²⁵ This letter is a clear indicator of ACF’s broader commitment to establishing practices across programs that minimize harms to family economic stability and well-being.

ACF IS PROMOTING STATE POLICY CHANGES TO PREVENT & ELIMINATE CHILD SUPPORT DEBT

In August 2022, ACF issued guidance to help states prevent, reduce, and eliminate child support debt.¹²⁶ The guidance notes that research has found that most child support arrears are uncollectible.¹²⁷ Out of the noncustodial parents making no payments, 92 percent earned less than \$20,000 a year¹²⁸ and are unlikely to ever have the resources to pay their debt. Revising child support enforcement policies—like forgiving and avoiding the accumulation of uncollectable debt—can advance racial equity since Black noncustodial parents have been disproportionately harmed by these policies.¹²⁹

Priorities for Further Administrative Action

ACF and OCSS should consider the following actions to build upon and maintain their momentum towards a family-centered model of child support.

1. Encourage distribution of 100 percent of child support payments to custodial parents—not government accounts.

If every program distributed 100 percent of child support payments to custodial parents, as much as \$1 billion more per year would go to families with the lowest incomes.¹³⁰ Absent Congressional action to change federal law to require 100 percent child support payments to custodial parents, OCSS can lay the groundwork for more states to move in the direction of full distribution. For example, OCSS can share best practices, outcomes, and learnings from states that do 100 percent “pass-through” to encourage greater uptake of the practice.

ACF and OCSS could support programs moving to full distribution by helping states address the barriers, including technological barriers, to implementing this change.ⁱⁱ ACF could provide analysis to states and state legislatures on computer systems updates, costs of upgrades, and the administrative savings that can result.

Updating computer systems could also make child support processes easier for participants to interact with when establishing or modifying orders—consistent with the Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.¹³¹

ii A federal statutory change mandating full distribution (100% pass-through) of child support payments to families would involve costs to the federal government and could require state-level legislative changes.

2. Increase efforts to encourage states to forgive child support debt owed to governments and stop charging interest on child support debt—and highlight specific practices that states could change to achieve these goals.

As of September 2021, states reported a total of \$111.7 billion in unpaid child support obligations owed by noncustodial parents.¹³² About 70 percent of this debt is more than a decade old,¹³³ and it is unlikely to ever be paid.^{134, 135, 136} As of 2022, fewer than 40 states have “debt compromise” options for noncustodial parents.¹³⁷

States cannot forgive child support debt owed to families, but they can forgive debt owed to governments—which amounts to about \$20 billion of the debt owed.¹³⁸ In 2022, OCSS issued guidance on child support debt, highlighting the negative impacts of child support debt and providing potential strategies for states to address it.¹³⁹ This guidance was an important step.

Further emphasis from OCSS on debt forgiveness and interest rate removal—through guidance, webinars, conferences, direct outreach to states with comparatively high unpaid debt loads, or other means—could help more families. OCSS guidance should target state practices that result in the largest debts, such as high interest rates, service charges, retroactive support, and accumulation during incarceration.

ACF could highlight successful state models for addressing child support debt, such as Maryland’s Payment Incentive Program, which reduces debt in return for extended regular payment of currently due support. The Aspen Institute’s Ascend initiative’s “Implementing Sensible Debt Reduction Strategies” brief offers several models that ACF could promote.¹⁴⁰ For states that do provide debt compromise options, ACF could support them in making their processes more customer-friendly—consistent with the Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government—so that more people can access them.¹⁴¹

3. Provide additional technical assistance for states in reasonably setting and modifying child support orders.

ACF’s emphasis on implementing the 2016 regulation created some momentum; however, states would benefit from additional technical assistance on reasonably and reliably setting and modifying child support orders, particularly in promoting best practices for review and adjustment of orders. Providing federal best practices on considering factors such as inconsistent or volatile working hours and incomes will help orders be more reasonably set and enforced.

ACF could also share information and results from pilot programs that allow noncustodial parents to meet child support obligations through noncash contributions.^{142, 143, 144}

4. Ensure that states fully implement provisions in the 2016 rule related to noncustodial parents who have child support obligations and are incarcerated—and encourage states to adopt the option to automatically adjust a noncustodial parent’s child support order upon their incarceration.

The 2016 rule allows for the adjustment of child support orders to reflect noncustodial parents’ lack of earnings while incarcerated and is of particular importance. Without such adjustment, incarcerated parents are susceptible to the accumulation of substantial arrears that are nearly impossible to repay upon release, likely leading to cycles of financial instability. The 2016 rule allows but does not require states to automatically reduce the child support order of a noncustodial parent who becomes incarcerated, and most states have not yet enacted this automatic adjustment.¹⁴⁵

Efforts to reduce the amounts of uncollectable debt, noted above, will also help address the situation of noncustodial parents who are currently incarcerated.

OCSS should consider requesting that the HHS Office of the Inspector General (OIG) review the extent to which states are complying with the 2016 regulation's requirements regarding setting and modifying orders, including when noncustodial parents are incarcerated. This review could focus on the extent to which states still require a request from an incarcerated noncustodial parent to adjust an order, rather than automating that process, and whether state standard operating procedures are fulfilling the requirement of no longer assuming year-round, minimum wage employment. This review should determine the types of support states need from OCSS to become fully compliant.

5. Propose revisions to the 2016 rule that expand the availability of employment services for noncustodial parents who owe child support but are unable to pay.

A significant number of noncustodial parents are unemployed or underemployed due to persistent economic barriers, such as labor market discrimination,¹⁴⁶ segregation,¹⁴⁷ and mass incarceration.¹⁴⁸ Expanded availability of employment services could potentially mitigate racialized barriers to employment for Black men in particular, who face elevated rates of labor market discrimination and are disproportionately targeted by punitive enforcement.^{149, 150} Children of these parents would then benefit from more regular child support payments. These employment services should be high-quality, backed by evidence, and tailored for noncustodial parents. Expanding employment services will be most effective if pursued in concert with other policy solutions to barriers faced by noncustodial parents—particularly Black noncustodial fathers—like automatic adjustment of child support orders, child support debt forgiveness, and curtailing incarceration for noncompliance. As the change to the regulation would be narrow and targeted, ACF should be able to move relatively quickly and issue a proposed change by early 2024, allowing time for it to be finalized before 2025.

6. Issue guidance promoting “ability to pay” policies related to the suspension of driver’s licenses and other enforcement mechanisms.

New guidance should clarify that states may exclude some categories of parents—such as those with annual incomes less than 200 percent of the federal poverty line—from specific federally required enforcement methods.^{151, 152} Eliminating practices such as suspending licenses for noncustodial parents with low incomes would likely make maintaining employment and earning income to make child support payments more feasible. Some states have signaled an interest in reducing barriers for parents with low incomes even further. For example, in Maryland, a bill was introduced in early 2023 to prevent the state Child Support Administration from suspending the driver’s license of a noncustodial parent owing child support arrears if the parent’s income is at or below 250 percent of the federal poverty guidelines.¹⁵³

7. Initiate additional research on the effects of income volatility on child support obligations.

ACF’s Office of Planning, Research, and Evaluation (OPRE) could initiate research on alternative approaches to orders and payment practices for noncustodial parents with particularly variable incomes. Similar to the research OPRE funded on parents who are incarcerated and those with annual incomes below \$10,000, additional research on income volatility could help identify more program and policy changes that would improve service delivery.

Background

In 2020, the Georgetown Center on Poverty and Inequality (GCPI) conducted a project to develop recommendations for the incoming administration, with a particular focus on ACF at the Department of Health and Human Services. The recommendations were for administrative actions—steps that could be undertaken without the need for legislation and within the first 100 days of a new administration—that would ensure the security and well-being of families and children, particularly those of color or with

low incomes during the height of the pandemic. GCPI consulted extensively with experts, advocates, and people with lived experience and provided recommendations to the administration for actions addressing a variety of programs and cross-cutting issues. The recommendations are summarized in a published brief: “100 Days for Opportunity and Well-Being: An Executive and Administrative Action Agenda for Children and Families”.¹⁵⁴

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Endnotes

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