

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ASSISTANT SECRETARY FOR PLANNING AND EVALUATION



CHILD  
Support -  
SIDE BY SIDE

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Date: 6/23/94

From: Geri

To: Bruce Reed / Kathy May

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Office Number: \_\_\_\_\_

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Number of Pages + cover 9

REMARKS: \_\_\_\_\_  
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Women's Caucus  
Proposal

Administration  
Proposal

Comments

A = Administration Proposal  
W = Women's Caucus Proposal  
\* = Major Difference

*Same or Similar Sections*

|  |  |  |
|--|--|--|
| 101 Federal child support registry   | 625 National child support registry  | similar  |
| 102 Expansion of parent locator system   | 624 Locator info. from interstate networks and labor unions<br>626 Expanded locate authority | combined w/ other registries, A performs similar functions |
| 103 Nat'l. reporting of employee and child support information   | 625 National directory of New Hires  | similar, but W requires more info at federal level         |
| 104 State child support order registry   | 621 Central state case registry  | similar; A is more comprehensive                           |
| 201 Service on Federal employees and military  | 664 Authority to collect support from employment-related payments by US                      | similar  |
| 202 Presumed Address of Obligor and Obligee  | 636 State laws providing expedited procedures  | similar  |
| 203 Fair Credit Reporting Act amendment  | 626 Expanded locate authority  | similar  |
| 204 National Child Support Guideline Commission  | 651 National Commission on Child Support Guidelines  | similar, but A contains more detailed specifications       |
| 206 Evidence   | 635 Adoption of UIFSA  | UIFSA has similar provisions                               |
| 207 Telephonic appearance in interstate cases  | 635 Adoption of UIFSA  | UIFSA has similar provisions                               |
| 208 Uniform terms in orders  | 651 National Commission on Child Support Guidelines  | A: Commission will make recommendations on uniform terms   |
| 209 Social security numbers on marriage licenses, divorce decrees, parentage decrees, and birth certificates | 628 Use of social security numbers   | similar  |
| 210 Administrative subpoena power  | 636 State laws providing expedited procedures  | similar  |
| 401 Direct wage withholding  | 635 Adoption of UIFSA  | similar  |

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Comments

*Continued*

|  |   |   |
|--|---|---|
| 403 Additional benefits subject to garnishment   | 636 State laws providing expedited procedures                         | similar   |
| 406 Hold on occupational, professional and business licenses   | 667 State law authorizing suspension of licenses                      | similar   |
| 407 Driver's license and vehicle registrations denied to persons failing to appear in child support cases                                    | 667 State law authorizing suspension of licenses                      | similar   |
| 408 Liens on certificates of vehicle title   | 665 Motor Vehicle Liens   | similar   |
| 409 Attachment of bank accounts  | 636 State laws providing expedited procedures                         | similar   |
| 410 Seizure of lottery winnings, settlements, payouts, awards, and bequests, and sale of forfeited property, to pay child support arrearages | 636 State laws providing expedited procedures                         | similar   |
| 411 Fraudulent transfer pursuit  | 666 Voiding of fraudulent transfers                                   | similar   |
| 412 Full IRS collection  | 663 IRS collection of arrears   | similar   |
| 413 Tax refund offset program expanded to cover non-AFDC post-minor children   | 662 Fed. income tax refund offset                                     | similar   |
| 414 Attachment of public and private retirement funds  | 636 State laws providing expedited procedures                         | similar   |
| 415 Reporting of child support arrearages to credit bureaus  | 668 Reporting arrearages to credit bureaus                            | similar   |
| 416 Elimination of statutes of limitations in child support cases  | 669 Extended statute of limitation cases for collection of arrearages | W entirely eliminates SoL; A extends SoL until child at least 30 yrs. old |
| 417 Interest   | 670 Charges for arrearages  | A provides for state choice of interest or late pynt penalties            |

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Comments

Continued

|   |   |  |
|---|---|--|
| 418 Bankruptcy  | 672 Treatment of support obligations under bankruptcy code  | similar; A provides for development of simplified procedures                                   |
| 420 States required to enact UIFSA  | 635 Adoption of UIFSA   | In addition to other modifications, A allows expedited appeal to S.C. on jurisdictional issues |
| 421 Denial of passports to non-custodial parents subject to State arrest warrants in cases of nonpayment of child support | 673 Denial of passports for non-payment of child support  | A calls for denial when arrearage > \$5K; W sets limit at 10K                                  |
| 501 Priorities in distribution of collected child support   | 603 Distribution of Payments  | A gives state option to pass through support when family receiving AFDC benefits               |
| 503 Fees for non-AFDC clients   | 602 State obligation to provide paternity establishment and child support enforcement services                  | similar  |
| 502 Training  | 615 Director of CSE Program: Training and Staffing<br>616 Funding for secretarial assistance for state programs | A provides sufficient funding for technical assistance and training                            |
| 603 Staffing  | 615 Training and Staffing   | A is staffing study; W is staffing requirement   |
| 606 Audits  | 611 Federal and State reviews and audits  | W is only a study  |
| 607 Establishment of child support assurance demonstration projects   | 681 Child support enforcement and assurance demonstrations  | W: in 6 states for 3-5 yrs<br>A: in 3 states for 7-10 yrs<br>some other differences            |
| 704 Administrative process for change in payee in IV-D cases  | 636 State laws providing expedited procedures   | similar  |

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Comments

Provisions present only in Administration Proposal

|  |  |   |
|--|--|---|
|  | 601 Cooperation requirement and good cause exception                     | * mother or other custodial relative must name and supply sufficient info. to identify father |
|  | 604 Due process rights   | guarantees fair hearing & notice  |
|  | 605 Privacy safeguards   |   |
|  | 606 Requirement to facilitate access to services                         | outreach to working and non-English-speaking parents  |
|  | 611 Federal matching payments  | * increases matching rate to 75%  |
|  | 612 Performance-based incentives and penalties                           | * up to 15% increase in FFP for paternity est. and CSE perform.                               |
|  | 614 Automated data processing  | enhanced ADP matching rate to '98   |
|  | 617 Data collection and reports by the secretary                         | eliminates duplicative reporting requirements   |
|  | 622 Centralized collection and disbursement support payments             | * creates centralized automated unit  |
|  | 623 Amendments concerning income withholding                             |   |
|  | 627 Studies and demonstrations concerning federal parent locator service |   |
|  | 636 State law providing expedited services                               | * Administrative enforcement remedies   |
|  | 640 State laws concerning paternity establishment                        | * streamlines legal process for establishing paternity  |
|  | 641 Outreach for voluntary paternity establishment                       | state plans to include dist. of materials at schools and health care facilities, etc.         |
|  | 642 Penalty for failure to establish paternity promptly                  | (# of cases lacking paternity estab.)(ave. monthly pymnt.)(Fed. matching rate)                |

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Comments

Continued

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|  | 643 Incentives to parents to establish paternity                                    | demonstrations in 3 states   |
|  | 652 State laws concerning modification of child support orders                      | * all orders in central case registry revised at least every 36 months unless agreed otherwise by both parents               |
|  | 653 Study on use of tax return information for modification of child support orders |  |
|  | 661 Revolving loan fund for program improvements to increase collections            | \$100 million authorized for operational improvements repayable through offsets against increase in State incentive payments |
|  | 671 Visitation issue barred   | visitation and non-support must be separate legal issues   |
|  | 682 Social security act demonstrations  | elim. requirement that IV-D demos cannot result in increased costs to Fed govt under AFDC                                    |
|  | 691 Grants to states for access and visitation programs                             | to facilitate noncustodial parent access to & visitation of children   |

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|   |  |   |
|---|--|---|
| 105 Reconciliation of child support obligation and payments on income tax return  |  | * IRS can collect if tax return filed   |
| 205 Duration of support   |  |   |
| 211 Support orders outreach and demonstrations  |  | to study and provide outreach to underserved populations  |
| 301 Paternity establishment procedures  |  | rights and responsibilities in voluntary acknowledgements   |
| 402 Priorities in application of withheld wages   |  | 1) for pymt of support during mo<br>2) health care insurance premiums<br>3) arrearage                   |
| 404 Consumer Credit Protection Act Amendments   |  |   |
| 405 Prohibition against use of election of remedies doctrine to prevent coll. of child support                                |  |   |
| 419 Federal govt. cooperation in enforcement of support obligations of members and former members of the Armed Forces         |  | creation of worldwide locator service and facilitating the granting of leave for attendance at hearings |
| 422 Denial of Federal benefits, loans, guarantees, and employment to certain persons w/ large child support arrearages        |  | ineligible when arrearages exceed \$1000  |
| 423 States required to order courts to allow assignment of life insurance policy benefits to satisfy child support arrearages |  |   |
| 424 Interests in jointly held property subject to assignment to satisfy child support arrearages                              |  |   |
| 425 Int'l child support enforcement   |  |   |

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Comments

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|---|--|--|
| 426 Nonliability for depository institutions providing financial records to State child support enforcement agencies in child support cases |  | A leaves this to state   |
| 427 Cost-of-living adjustment of child support awards   |  | * A provides for periodic modification based on current income                   |
| 428 Annual exchange of financial information by parties to child support order  |  | A provides for exchange through central registry as part of modification process |
| 502 State claims against noncustodial parent limited to assistance provided to the child  |  |  |
| 601 Placement and role of the Office of Child Support Enforcement   |  |  |
| 604 Child support definition  |  |  |
| 605 Technical correction to ERISA definition of medical child support order   |  |  |
| 608 Children's Trust Fund   |  | through tax returns  |
| 609 Study of reasons for nonpayment of child support; report  |  |  |
| 610 Study of effectiveness of administrative processes; report  |  | to be conducted by Comptroller General   |
| 611 Compendium of State child support statutes  |  | to be published by National Conference of State Legislatures                     |
| 612 Establishment of permanent child support advisory committee   |  |  |
| 701 Advocacy of children's economic security  |  |  |

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|  |  |  |
|--|--|--|
| 702 Duties of state child support agencies |  |  |
| 705 Financial incentives                   |  |  |
| 706 Avoidance of conflicts of interest     |  |  |

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