

SECTION 9. CHILD SUPPORT ENFORCEMENT PROGRAM

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed this program; see appendix L for details.

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BACKGROUND

Overview

In 1950, when only a small minority of children were in mother-only families, the Federal Government took its first steps into the child support arena. Congress amended the Aid to Families with Dependent Children (AFDC) law by requiring State welfare agencies to notify law enforcement officials when benefits were being furnished to a child who had been abandoned by one of his parents. Presumably, local officials would then undertake to locate nonresident parents and make them pay child support. From 1950 to 1975, the Federal Government confined its child support efforts to these welfare children. With this exception, most Americans thought that child support establishment and collection was a domestic relations issue that should be dealt with at the State level by the courts.

By the early 1970s, however, Congress recognized that the composition of the AFDC caseload had changed. In earlier years the majority of children needed financial assistance because their fathers had died; by the 1970s, the majority needed aid because their parents were separated or divorced or because their mother was never married to their father. The Child Support Enforcement and Paternity Establishment program (CSE), created in 1975, was a response by Congress to reduce public

enacted in 1975, was a response by Congress to reduce public expenditures on welfare by obtaining support from noncustodial parents on an ongoing basis, to help non-AFDC families get support so they could stay off public assistance, and to establish paternity for children born outside marriage so child support could be obtained for them.

The 1975 legislation (Public Law 93-647) added a new part D to title IV of the Social Security Act. This statute, as amended, authorizes Federal matching funds to be used for enforcing support obligations by locating nonresident parents, establishing paternity, establishing child support awards, and collecting money. Since 1981, child support agencies have also been permitted to collect spousal support on behalf of custodial parents, and in 1984 they were required to petition for medical support as part of most child support orders.

Basic responsibility for administering the program is left to States, but the Federal Government plays a major role in: dictating the major design features of State programs; funding, monitoring and evaluating State programs; providing technical assistance; and giving direct assistance to States in locating absent parents and obtaining support payments. The program requires the provision of child support enforcement services for both AFDC and non-AFDC families and requires States to publicize frequently, through public service announcements, the availability of child support enforcement services, together with information about the application fee and a telephone number or address to obtain additional information. Local family and domestic courts and administrative agencies handle the actual establishment and enforcement of child support obligations according to Federal, State, and local laws.

With minor exceptions, the child support program does not provide services aimed at other issues between parents, such as property settlement, custody, and access to children. These issues are handled by local courts with the help of private attorneys.

Any parent who needs help in locating an absent parent, establishing paternity, establishing a support obligation, or enforcing a support obligation may apply for services. Parents receiving benefits (or who formerly received benefits) under the AFDC Program, the federally assisted foster care program, or the Medicaid Program, automatically receive services. Services are free to such recipients, but others are charged up to \$25 for services. In the non-AFDC Program, States also can charge fees on a sliding scale, pay the fee out of State funds, or recover the fees from the noncustodial parent.

Demographic Trends

The need for an effective child support program is clearly supported by a brief review of the demographic trends of the American family. By 1994, there were an estimated 11.4 million single-parent families with children under age 18; about 9.9 million (87 percent) maintained by the mother and roughly 1.6 million maintained by the father. It appears that the rate of growth in the number of single parents has stabilized (Office of Child Support, 1995a, p. 5). The average annual percent increase in the number of one-parent families was 3.9 percent from 1990-94 and 3.4 percent from 1980-90 as compared with 6 percent from 1970-80. In 1994, one-parent families comprised 31 percent of all families. The corresponding share of single-parent families in 1970 was 13 percent. In 1994, about 39

percent of the mothers had never been married, 36 percent were divorced, 21 percent were separated from their spouse, and about 5 percent were widowed (U.S. Bureau of the Census, 1994, p. xviii).

Of equal concern, dynamic estimates indicate that at least half of all children born in the United States during the late 1970s and early 1980s will live with a single parent before reaching adulthood. For black children, the projection is about 80 percent (Bumpass, 1984). Currently, nearly one-fourth of the 69 million children under age 18 living in the United States reside in a one-parent family. Moreover, a 1990 current population survey indicated that about 16 percent of children living in married-coupled families were living with a stepparent. Although the number of families with a mother who has divorced has tripled since 1970, the number with a mother who has never married has increased fifteenfold from 248,000 to 3,829,000. In these latter cases, paternity must be determined before the other parent has a legal obligation to financially support the child. The 3.8 million families maintained by a never-married mother in 1994 represent a major concern because only about one-third of the children in these families have had their paternity established; for the other two-thirds, a child support obligation cannot be established until a paternity determination is made.

Poverty is endemic among mother-headed families. In 1994, 44 percent of the 8.7 million families maintained solely by the mother with children under 18 had incomes below the poverty threshold. Almost 12 percent of these families were poor despite the fact that the mother worked year round, full time. Today, an unprecedented number of children live in single-parent homes, nearly half are poor, and many lack adequate or any support from the nonresident parent.

Program Trends

In response to these demographic trends, the Federal-State child support program grew rapidly. By 1995, about half of all child support eligible families were actually receiving government funded child support services. Most of the information in this chapter applies to the families receiving these government services.

Table 9-1 summarizes trends for the child support program since 1978. In 1995, almost \$3 billion was spent by State child support programs to collect \$10.8 billion. The combined Federal-State program had more than 51,600 employees. A sum of \$3.60 was collected for every \$1 of administrative expense, up by 25 percent from the low point of only \$2.89 per dollar of administrative expense in 1982, but down nearly 10 percent since 1992, the year of peak child support efficiency. In addition, over 5 million absent parents were located; 661,000 paternities were established; over 1 million support orders were established; more than 3.4 million cases had collections; 269,333 families were removed from AFDC because of child support collections (not shown in table 9-1); and 13.6 percent of AFDC payments were recovered as a result of child support enforcement.

These program trends demonstrate that more and more child support activities and outcomes are achieved by the Federal-State program. But whether these trends indicate program success is a complex matter. We turn now to a detailed

explanation of the Federal-State child support program and both its achievements and problems.

THE FEDERAL ROLE

The Federal statute requires the national child support program to be administered by a separate organizational unit under the control of a person designated by and reporting directly to the Secretary of the Department of Health and Human Services (HHS). Presently, this office is known as the Federal Office of Child Support Enforcement (OCSE). The Family Support Act of 1988 required the appointment of an Assistant Secretary for Family Support within HHS to administer a number of programs, including the Child Support Enforcement Program. Currently, this position is entitled the Assistant Secretary for the Administration for Children and Families.

A primary responsibility of the assistant secretary is to establish standards for State programs for locating absent parents, establishing paternity, and obtaining child support and support for the spouse (or former spouse) with whom the child is living. In addition to this broad statutory mandate, the assistant secretary is required to establish minimum organizational and staffing requirements for State child support agencies, and to review and approve State plans.

The statute also requires the assistant secretary to provide technical assistance to States to help them establish effective systems for collecting support and establishing paternity. To fulfill this requirement, OCSE operates a National Child Support Enforcement Reference Center as a central location for the collection and dissemination of information about State and local programs. OCSE also provides, under a contract with the American Bar Association Child Support Project, training and information dissemination on legal issues to persons working in the field of child support enforcement. Special initiatives, such as assisting major urban areas in improving program performance, have also been undertaken by OCSE.

TABLE 9-1.--SUMMARY OF NATIONAL CHILD SUPPORT PROGRA
[Numbers in thousands, dol

	1978	1980	1982	1984	1986
Total child support collections..	\$1,047	\$1,478	\$1,770	\$2,378	\$3,246
In 1995 dollars \1\.....	2,407	2,715	2,726	3,395	4,363
Total AFDC collections \2\.....	472	603	786	1,000	1,225
Federal.....	311	246	311	402	369
State.....	148	274	354	448	424
Total non-AFDC collections.....	575	874	984	1,378	2,019
Total administrative expenditures	312	466	612	723	941
Federal.....	236	349	459	507	633
State.....	76	117	153	216	308
Federal incentive payments to States and localities.....	54	72	107	134	158
Average number of AFDC cases in which a collection was made.....	458	503	597	647	582
Average number of non-AFDC cases in which a collection was made..	249	243	448	547	786

Number of parents located.....	454	643	779	875	1,046
Number of paternities established	111	144	173	219	245
Number of support obligations established.....	315	374	462	573	731
Percent of AFDC assistance payments recovered through child support collections.....	(\3\)	5.2	6.8	7.0	8.6
Total child support collections per dollar of total administrative expenses.....	3.35	3.17	2.89	3.29	3.45

- \1\ Adjusted for inflation using fiscal CPI.
- \2\ AFDC collections are divided into State/Federal shares and incentives are tak
- \3\ Not available.
- \4\ Data beginning in 1991 exclude modifications of support orders.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

The Child Support Enforcement amendments of 1984 (Public Law 98-378) extended the research and demonstration authority in section 1115 of the Social Security Act to the Child Support Enforcement Program. This authority makes it possible for States to test innovative approaches to support enforcement so long as the modification does not disadvantage children in need of support nor result in an increase in Federal AFDC costs. The 1984 amendments also authorize \$15 million for each fiscal year after 1986 for special project grants to promote improvement in interstate enforcement.

The Assistant Secretary for Children and Families has full responsibility for the evaluation of the Child Support Enforcement Program. Audits are required at least every 3 years to determine whether the standards and requirements prescribed by law and regulations have been met. Under the penalty provision, a State's AFDC matching funds must be reduced by an amount equal to at least 1 but not more than 2 percent for the first failure to comply substantially with the standards and requirements, at least 2 but not more than 3 percent for the second failure, and at least 3 but not more than 5 percent for the third and subsequent failures.

The statute creates several Federal mechanisms to assist States in performing their paternity and child support enforcement functions. These include use of the Internal Revenue Service, the Federal courts, and the Federal Parent Locator Service (FPLS). The assistant secretary must approve a State's application for permission to use the courts of the United States to enforce orders upon a finding that either another State has not enforced the court order of the originating State within a reasonable time or Federal courts are the only reasonable method of enforcing the order. Although Congress authorized the use of Federal courts to enforce interstate cases, this mechanism has gone unused, apparently because States view it as costly and complex.

Finally, the statute requires the establishment of a Federal Parent Locator Service to be used to find absent parents in order to secure and enforce child support obligations. Upon request, the Secretary of HHS must provide to an authorized person the most recent address and place of employment of any noncustodial parent if the information is contained in the records of the Department of Health and Human

Services or can be obtained from any other department or agency of the United States or of any State. The Secretary also must make available the services of the FPLS to any State that wishes to locate a missing parent or child for the purpose of enforcing any Federal or State law involving the unlawful taking or restraint of a child or the establishment or maintenance of a child custody or visitation order.

THE STATE ROLE

The Social Security Act requires every State operating an AFDC Program to conduct a child support enforcement program. Federal law requires applicants for, and recipients of, AFDC to assign their support rights to the State in order to receive benefits. In addition, each applicant or recipient must cooperate with the State to establish the paternity of a child born outside marriage and to obtain child support payments.

AFDC recipients or applicants may be excused from the requirement of cooperation if the AFDC agency determines that good cause for noncooperation exists, taking into consideration the best interests of the child on whose behalf aid is claimed. This determination is made according to standards in Federal regulations, the so-called "good cause" regulations. If good cause is found not to exist and if the relative with whom a child is living still refuses to cooperate, the relative is to be disqualified from AFDC and the child's benefits are to be sent in the form of a protective payment to a person other than the caretaker relative. (The same is true of refusal to assign to the State support rights: the child will not be disqualified from AFDC, but will receive AFDC benefits only in the form of protective payments.) Cooperation may be found to be against the best interests of the child if cooperation can be anticipated to result in physical or emotional harm to the child or caretaker relative; if the child was conceived as a result of incest or rape; or if legal procedures are underway for the child's adoption.

Each State is required to designate a single and separate organizational unit of State government to administer its child support program. Earlier child support legislation, enacted in 1967, had required that the program be administered by the welfare agency. The 1975 act deleted this requirement in order to give each State the opportunity to select the most effective administrative mechanism. Most States have placed the child support agency within a social or human services umbrella agency which also administers the AFDC Program. However, Florida, Massachusetts, Rhode Island, Arkansas, and Alaska have placed the agency in the department of revenue and Guam, Hawaii, Texas, and the Virgin Islands have placed the agency in the office of the attorney general. The law allows the programs to be administered either on the State or local level. Ten programs are locally administered. A few programs are State administered in some counties and locally administered in others.

States must have plans, approved by the director of OCSE, which set forth the details of their child support program. States must also enter into cooperative arrangements with courts and law enforcement officials to assist the child support agency in administering the program. These agreements may include provision for reimbursing courts and law enforcement officials for their assistance. States also must

operate a parent locator service to find absent parents, and they must maintain full records of collections and disbursements and otherwise maintain an adequate reporting system.

In order to facilitate the collection of support in interstate cases, a State must cooperate with other States in establishing paternity, locating absent parents, and securing compliance with an order issued by another State.

States are required to use several enforcement tools. They must use the Internal Revenue Service (IRS) tax refund offset procedure for AFDC and non-AFDC families, and they must also determine periodically whether any individuals receiving unemployment compensation owe child support. The State Employment Security Agency (part of the Federal-State Unemployment Insurance System), is required to withhold unemployment benefits, and to pay the child support agency any outstanding child support obligations established by an agreement with the individual or through legal processes.

Other enforcement techniques States must use include:

1. Imposing liens against real and personal property for amounts of overdue support;
2. Withholding State tax refunds payable to a parent who is delinquent in support payments;
3. Reporting the amount of overdue support to a consumer credit bureau upon request;
4. Requiring individuals who have demonstrated a pattern of delinquent payments to post a bond or give some other guarantee to secure payment of overdue support;
5. Establishing expedited processes within the State judicial system or under administrative processes for obtaining and enforcing child support orders, and, at the option of the State, determining paternity;
6. Notifying each AFDC recipient at least once each year of the amount of child support collected on behalf of that recipient;
7. Permitting the establishment of paternity until a child's 18th birthday; and
8. At the option of the State, providing that payments in cases not enforced by the State must be made through the State's income withholding system if either the custodial or noncustodial parent requests that they be made in this manner.

Each State's plan must provide that the child support agency will attempt to secure support for all AFDC children. The State must also provide in its plan that it will undertake to establish the paternity of an AFDC child born out of wedlock. These requirements apply to all cases except those in which the State finds, in accordance with standards established by the Secretary, the best interests of the child would be violated. For families whose AFDC eligibility ends due to the receipt of or an increase in child support, States must continue to provide child support enforcement services without imposing the application fee.

Foster care agencies are required to take steps, where appropriate, to secure an assignment to the State of any rights to support on behalf of a child receiving foster care maintenance payments under title IV-E of the Social Security Act.

State child support agencies are also required to petition to include medical support as part of any child support order

whenever health care coverage is available to the noncustodial parent at a reasonable cost. And, if a family loses AFDC eligibility as the result of increased collection of support payments, the State must continue to provide Medicaid benefits for 4 calendar months beginning with the month of ineligibility. In addition, States must provide services to families covered by Medicaid who are referred to the State IV-D agency from the State Medicaid agency.

With respect to non-AFDC families, States must provide, once an application is filed with the State agency, the same child support collection and paternity determination services which are provided for AFDC families. The State must charge non-AFDC families an application fee of up to \$25. The amount of the maximum allowable fee may be adjusted periodically by the Secretary of the Department of Health and Human Services to reflect changes in administrative costs. States may charge the fee against the custodial parent, pay the fee out of State funds, or recover it from the noncustodial parent.

States also have the option of charging a late payment fee equal to between 3 and 6 percent of the amount of overdue support. Late payment fees may be charged to noncustodial parents and are to be collected only after the full amount of the support has been paid to the child. States may also recover costs in excess of the application fee from either the custodial or noncustodial parent. If a State chooses to make recovery from the custodial parent, it must have in effect a procedure whereby all persons in the State who have authority to order support are informed that such costs are to be collected from the custodial parent.

Child support enforcement services must include the enforcement of spousal support, but only if a support obligation has been established with respect to the spouse, the child and spouse are living in the same household, and child support is being collected along with spousal support.

Finally, each State must comply with any other requirements and standards that the Secretary determines to be necessary to the establishment of an effective child support program.

THE CHILD SUPPORT ENFORCEMENT PROCESS

The goal of the child support program is to combine these Federal and State responsibilities and activities into an efficient machine that provides seven basic products: locating absent parents, establishing paternity, establishing child support orders, reviewing and modifying orders, promoting medical support, collecting and distributing support, and enforcing child support across State lines. Each of these services deserves extensive discussion.

Locating Absent Parents

In pursuing cases, child support officials try to obtain a great deal of information and several documents from the custodial parent or other sources. These include the name and address of the noncustodial parent; the noncustodial parent's Social Security number; children's birth certificates; the child support order; the divorce decree or separation agreement; the name and address of the most recent employer of the noncustodial parent; the names of friends and relatives or organizations to which the noncustodial parent might belong;

information about income and assets; and any other information about noncustodial parents that might help locate them. Once this information is provided, it is used in strictest confidence.

If the Child Support Enforcement Program cannot locate the noncustodial parent with the information provided by the custodial parent, it must try to locate the noncustodial parent through the State parent locator service. The State uses various information sources such as telephone directories, motor vehicle registries, tax files, and employment and unemployment records. The State also can ask the Federal Parent Locator Service (FPLS) to locate the noncustodial parent. The FPLS can access data from the Social Security Administration, the Internal Revenue Service, the Selective Service System, the Department of Defense, the Veterans' Administration, the National Personnel Records Center, and State Employment Security Agencies. The FPLS provides Social Security numbers, addresses, and employer and wage information to State and local child support agencies to establish and enforce child support orders.

The FPLS obtains employer addresses and wage and unemployment compensation information from the State employment security agencies. This information is very useful in helping child support officials work cases in which the custodial parent and children live in one State and the noncustodial parent lives or works in another State. Employment data are updated quarterly by employers reporting to their State employment security agency; unemployment data are updated continually from State unemployment compensation payment records.

The FPLS conducts weekly or biweekly matches with most of the agencies listed above. Each agency runs the cases against its data base and the names and Social Security numbers that match are returned to FPLS and through FPLS to the requesting State or local child support office.

Since October 1984, OCSE has participated in Project 1099 which provides State child support agencies access to all of the earned and unearned income information reported to IRS employers and financial institutions. Project 1099, named after the IRS form on which both earned and unearned income is reported, is a cooperative effort involving State child support agencies, the Federal Office of Child Support Enforcement, and the Internal Revenue Service. Examples of reported earned and unearned incomes include: interest paid on savings accounts, stocks and bonds, and distribution of dividends and capital gains; rent or royalty payments; prizes, awards, or winnings; fees paid directors or subcontractors; and unemployment compensation. The Project 1099 information is used to locate noncustodial parents and to verify income and employment. Project 1099 also helps locate additional nonwage income and assets of noncustodial parents who are employees as well as income and asset sources of self-employed and nonwage earning obligors.

Establishing Paternity

Paternity establishment is a prerequisite for obtaining a child support order. In 1993, 31 percent of children born in the United States were born to unmarried women. According to the OCSE, paternity is established in less than one-third of

these cases. Without paternity established, these children have no legal claim on their fathers' income. A major weakness of the child support program is its poor performance in securing paternity for such children. In addition to financial benefits, establishing paternity can provide social, psychological, and emotional benefits and in some cases the father's medical history may be needed to give a child proper care.

In the 1980s, legislation was enacted that contained provisions aimed at increasing the number of paternities established. Public Law 98-378, the Child Support Enforcement Amendments of 1984, required States to implement laws that permitted paternity to be established until a child's 18th birthday. Under the Family Support Act of 1988 (Public Law 100-485), States are required to initiate the establishment of paternity for all children under the age of 18, including those for whom an action to establish paternity was previously dismissed because of the existence of a statute of limitations of less than 18 years. The 1988 law encourages States to create simple civil procedures for establishing paternity in contested cases, requires States to have all parties in a contested paternity case take a genetic test upon the request of any party, requires the Federal Government to pay 90 percent of the laboratory costs of these tests, and permits States to charge persons not receiving AFDC for the cost of establishing paternity. The 1988 law also sets paternity establishment standards for the States and stipulates that each State is required, in administering any law involving the issuance of birth certificates, to require both parents to furnish their Social Security number, unless the State finds good cause for not doing so.

Congress took additional action to improve paternity establishment in the Omnibus Budget Reconciliation Act of 1993. This law required States to have in effect, by October 1, 1993, the following:

1. A simple civil process for voluntarily acknowledging paternity under which the State must explain the rights and responsibilities of acknowledging paternity and afford due process safeguards. Procedures must include a hospital-based program for the voluntary acknowledgment of paternity during the period immediately preceding or following the birth of a child;
2. A law under which the voluntary acknowledgment of paternity creates a rebuttable, or at State option, conclusive presumption of paternity, and under which such voluntary acknowledgments are admissible as evidence of paternity;
3. A law under which the voluntary acknowledgment of paternity must be recognized as a basis for seeking a support order without requiring any further proceedings to establish paternity;
4. Procedures which provide that any objection to genetic testing results must be made in writing within a specified number of days prior to any hearing at which such results may be introduced in evidence; if no objection is made, the test results must be admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy;
5. A law which creates a rebuttable or, at the option of the

State, conclusive presumption of paternity upon genetic testing results indicating a threshold probability of the alleged father being the father of the child;

6. Procedures which require default orders in paternity cases upon a showing that process has been served on the defendant and whatever additional showing may be required by State law; and
7. Expedited processes for paternity establishment in contested cases and full faith and credit to determinations of paternity made by other States.

The 1993 reforms also revised the mandatory paternity establishment requirements imposed on States by the Family Support Act of 1988. The most notable provision increased the mandatory paternity establishment percentage, which is backed up by financial penalties linked to a reduction of Federal matching funds for the State's AFDC Program (see Audits and Financial Penalties section).

While employing these laws and procedures to establish paternity, States follow a predictable sequence of events. In cases for which paternity is not voluntarily acknowledged (which is still the majority of cases), the child support agency locates the alleged father and brings him to court or before an administrative agency where he can either acknowledge or dispute paternity. If he claims he is not the father, the court can require that he submit to parentage blood testing to establish the probability that he is the father. If the father denies paternity, a court usually decides the issue based on scientific and testimonial evidence. Through the use of testing techniques, a man may be excluded as a possible natural father, in which case no further action against him is warranted. Most States use one or more of several scientific methods for establishing paternity. These include: ABO blood typing system, human leukocyte antigen (HLA) testing, red cell enzyme and serum protein electrophoresis, and DNA testing.

There are two types of testing procedures for paternity cases: (1) probability of exclusion tests, and (2) probability of paternity tests. Most laboratories perform probability of exclusion tests. This type of testing can determine with 90-99 percent accuracy that a man is "not" the father of a given child. There is a very high probability the test will exonerate a falsely accused man (Office of Child Support Enforcement, 1985).

Since the question of paternity is essentially a scientific one, it is important that the verification process include available advanced scientific technology. Experts now agree that use of the highly reliable deoxyribonucleic acid (DNA) fingerprinting test greatly increases the likelihood of correct identification of putative fathers. DNA tests can be used either to exclude unlikely fathers or to establish a high likelihood that a given man is the father (Office of Child Support, 1990, see pp. 59-74). One expert, speaking at a recent child support conference, summed up the effectiveness of DNA testing as follows:

The DNA fingerprinting technique promises far superior reliability than current blood grouping or HLA (human leukocyte antigen) analyses. The probability of an unrelated individual sharing the same patterns is practically zero. The "DNA fingerprinting" test, developed in England in 1985, refines the favorable statistics to an even greater degree, reducing

the probability that two unrelated individuals will have the same DNA fingerprint to one in a quadrillion (Georgeson, 1989, p. 568).

If the putative father is not excluded on the basis of the scientific test results, authorities may still conclude on the basis of witnesses, resemblance, and other evidence that they do not have sufficient evidence to establish paternity and, therefore, will drop charges against him. Tests resulting in nonexclusion also may serve to convince the putative father that he is, in fact, the father. If this occurs, a voluntary admission often leads to a formal court order. When authorities believe there is enough evidence to support the mother's allegation, but the putative father continues to deny the charges, the case proceeds to a formal adjudication of paternity in a court of law (McKillop, 1981, pp. 22-23). Using the results of the blood test and other evidence, the court or the child support agency, often through an administrative process, may dismiss the case or enter an order of paternity, a prerequisite to obtaining a court order requiring a noncustodial parent to pay support (U.S. General Accounting Office, 1987).

In fiscal year 1995, 661,000 paternities were established, up from 232,000 in fiscal year 1985. While the number of paternities established through child support agencies reached a record high in 1995, huge disparities exist among States. In that year, for example, the percentage of children in the child support program for whom paternity was established averaged 41 percent nationally, but ranged from 4 percent in the District of Columbia to 80 percent in Wisconsin (see table 9-21 below).

Establishing Orders

A child support order legally obligates noncustodial parents to provide financial support for their children and stipulates the amount of the obligation (current weekly obligation plus arrearages, if any) and how it is to be paid. Many States have statutes that provide that, in the absence of a child support award, the payment of AFDC benefits to the child of a noncustodial parent creates a debt due from the parent or parents in the amount of the AFDC provided. Other States operate under the common law principle, which maintains that a father is obligated to reimburse any person who has provided his child with food, shelter, clothing, medical attention, or education. States can establish child support obligations either by judicial or administrative process.

Judicial and administrative systems

The courts have traditionally played a major role in the child support program. Judges have established orders, established paternity, and provided authority for all enforcement activity. The child support literature generally concludes that the judicial process offers several advantages, especially by providing more adequate protection for the legal rights of the noncustodial parent and by offering a wide range of enforcement remedies, such as civil contempt and possible incarceration. A major problem of using courts, however, is that they are often cumbersome, expensive, and time consuming.

The advantages of an administrative process are very compelling. These include offering quicker service because documents do not have to be filed with the court clerk nor

await the signature of the judge, eliminating time consuming problems in scheduling court time, providing a more uniform and consistent obligation amount, and saving money because of reduced court costs and attorney fees.

The 1984 child support amendments required States to limit the role of the courts significantly by implementing administrative or judicial expedited processes. Most child support officials view this development as an improvement in the child support program. An expedited judicial process is a legal process in effect under a State's judicial system that reduces the processing time of establishing and enforcing a support order. To expedite case processing, a "judge surrogate" is given authority to: take testimony and establish a record, evaluate and make initial decisions, enter default orders if the noncustodial parent does not respond to "notice" or other State "service of process" in a timely manner, accept voluntary acknowledgement of support liability and approve stipulated agreements to pay support, and if the State establishes paternity using the expedited judicial process, to accept voluntary acknowledgement of paternity. Judge surrogates often are referred to as court masters, referees, hearing officers, commissioners, or presiding officers.

The purpose of an expedited administrative process is to increase effectiveness and meet specified processing times in child support cases and, if the State so chose, paternity actions. The Federal regulations implementing this law specify that 90 percent of cases must be processed within 3 months, 98 percent within 6 months, and 100 percent within 12 months.

The Federal regulations also contain additional requirements related to the expedited process. Proceedings conducted pursuant to either the expedited judicial or expedited administrative process must be presided over by an individual who is not a judge of the court. Orders established by expedited process must have the same force and effect under State law as orders established by full judicial process, although either process may provide that a judge first ratify the order. Within these broad limitations, each State is free to design an expedited process that is best suited to its administrative needs and legal traditions.

Determining the amount of support orders

Before October 1989, the decision of how much a parent should pay for child support was left primarily to the discretion of the court. Typically, judges examined financial statements from mothers and fathers and established awards based on children's needs. The resulting awards varied greatly. Moreover, this case-by-case approach resulted in very low awards. As late as 1991, the average amount of child support received by custodial parents was \$2,961, less than \$250 per month.

In an attempt to increase the use of objective criteria, the 1984 child support amendments required each State to establish, by October 1987, guidelines for determining child support award amounts "by law or by judicial or administrative action" and to make the guidelines available "to all judges and other officials who have the power to determine child support awards within the State." Federal regulations made the provision more specific: State child support guidelines must be based on specific descriptive and numeric criteria and result in a computation of the support obligation.

The 1984 provision did not make the guidelines binding on judges and other officials who had the authority to establish child support obligations. However, the Family Support Act of 1988 required States to pass legislation making the State child support guidelines a "rebuttable presumption" in any judicial or administrative proceeding and establishing the amount of the order which results from the application of the State-established guidelines as the correct amount to be awarded.

\1\ Fitzgerald v. Fitzgerald, No. 87-1259 (D.C. Ct. App. Oct. 10, 1989): In October 1989, the District of Columbia Court of Appeals struck down child support guidelines adopted in October 1987 in response to the Federal requirement. The court held that the Superior Court Committee that drafted the guidelines lacked authority to do so. It did not rule on the fairness of the guidelines, which awarded children a fixed fraction of the gross income of the noncustodial parent.

States generally use one of three basic types of guidelines to determine award amounts: "Income shares," which is based on the combined income of both parents (31 States); "percentage of income," in which the number of eligible children is used to determine a percentage of the noncustodial parents' income to be paid in child support (15 States); and "Melson-Delaware," which provides a minimum self-support reserve for parents before the cost of rearing the children is prorated between the parents to determine the award amount (Delaware, Hawaii, West Virginia). Two jurisdictions (the District of Columbia and Massachusetts) use variants of one or more of these three approaches (Williams, 1994; see table 9-24 below).

The income shares approach is designed to ensure that the children of divorced parents suffer the lowest possible decline in standard of living. The approach is intended to ensure that the child receives the same proportion of parental income that he would have received if the parents lived together. The first step in the income shares approach is to determine the combined income of the two parents. A percentage of that combined income, which varies by income level, is used to calculate a "primary support obligation." The percentages decline as income rises, although the absolute amount of the primary support obligation increases with income. Many States add child care costs and extraordinary medical expenses to the primary support obligation. The resulting total child support obligation is apportioned between the parents on the basis of their incomes. The noncustodial parent's share is the child support award (Office of Child Support, 1987, pp. II 67-80).

The percentage of income approach is based on the noncustodial parent's gross income and the number of children to be supported (the child support obligation is not adjusted for the income of the custodial parent). The percentages vary by State. In Wisconsin, a highly publicized percentage of income guideline State, child support is based on the following proportions of the noncustodial parent's gross income: one child--17 percent; two children--25 percent; three children--29 percent; four children--31 percent; and five or more children--34 percent. There is no self support reserve in this approach nor is there separate treatment for child care or extraordinary medical expenses. The States that use a percentage of income approach are Alaska, Arkansas, Connecticut, Georgia, Illinois,

Minnesota, Mississippi, Nevada, New Hampshire, New York, North Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

The Melson-Delaware formula starts with net income. \2\ After determining net income for each parent, a primary support allowance is subtracted from each parent's income. This reserve represents the minimum amount required for adults to meet their own subsistence requirements. The next step is to determine a primary support amount for each dependent child. Work-related child care expenses and extraordinary medical expenses are added to the child's primary support amount. The child's primary support needs are then apportioned between the parents. To ensure that children share in any additional income the parents might have, a percentage of the parents' remaining income is allocated among the children (the percentage is based on the number of dependent children). The States that use the Melson-Delaware approach are Delaware, Hawaii, and West Virginia.

\2\ Net income equals income from employment and other sources plus business expense accounts if they provide the parent with an automobile, lunches, etc., minus income taxes based on maximum allowable exemptions, other deductions required by law, deductions required by an employer or union, legitimate business expenses, and benefits such as medical insurance maintained for dependents.

Award rates

In 1991, of the 11.5 million custodial parents of children under the age of 21 whose other parent was not living in the household, only 6.2 million or 54 percent had a child support award. Award rates were higher for mothers than for fathers: 56 percent of the custodial mothers had an award versus 41 percent of custodial fathers. About one-third of the 5.3 million custodial parents without awards chose not to pursue a child support award. In other cases, custodial parents were unable to locate the noncustodial parent or the noncustodial parent was unable to pay. Never-married custodial parents were the group least likely to have a child support award. Only 27 percent of never-married custodial parents had support awards compared with 69 percent of divorced custodial parents. Moreover, black custodial parents and custodial parents of Hispanic origin were much less likely than their white counterparts to have child support awards. About 64 percent of whites had child support awards, compared with 35 percent of blacks and Hispanics (U.S. Bureau of the Census, 1995, p. 13).

Unresolved issues

As noted by Garfinkel, Melli, and Robertson (1994), there are a host of controversial issues associated with child support awards. These include whether child care costs, extraordinary medical expenses, and college costs are taken into account in determining the support order; how the income of the noncustodial parent is allocated between first and subsequent families (e.g., whether the children from a second marriage are provided child support payments equal to those of the children from the first marriage); \3\ how the income of stepparents is treated; whether a minimum child support award level regardless of age or circumstance of the noncustodial parent should be imposed; whether income earned as a result of a custodial parent's participation in an AFDC work, education, and training program is taken into account; and the duration of the support order (i.e., does the support obligation end when

the child reaches age 18; what happens to arrearages).

\3\ Traditionally, the courts have taken the position that the father's prior child support obligations take absolute precedence over the needs of the new family. They have disregarded the father's plea that his new responsibilities are a "change in circumstance" justifying a reduction in a prior child support award or at least averting an increase.

Reviewing and Modifying Orders

Without periodic modifications, child support obligations can become inadequate and inequitable. Historically, the only way to modify a child support order was to require a party to petition the court for a modification based on a "change in circumstances." What constituted a change in circumstances sufficient to modify the order depended on the State and the court. The person requesting modification was responsible for filing the motion, serving notice, hiring a lawyer, and proving a change in circumstances of sufficient magnitude to satisfy statutory standards. The modification proceeding was a two step process. First the court determined whether a modification was appropriate. Next, the amount of the new obligation was determined.

Because this approach to updating orders was so cumbersome, the Family Support Act of 1988 required States both to use guidelines as a rebuttable presumption in all proceedings for the award of child support and to review and adjust child support orders in accordance with the guidelines. These provisions reflected Congressional intent to simplify the updating of support orders by requiring a process in which the standard for modification was the State child support guidelines. They also reflect a recognition that the traditional burden of proof for changing the amount of the support order was a barrier to updating. Finally, the new law signaled a need for States to at least expand, if not replace, the traditional "change in circumstances" test as the legal prerequisite for updating support orders by making State guidelines the presumptively correct amount of support to be paid (Federal Register, 1992, p. 61560).

The Family Support Act also requires States to review guidelines at least once every 4 years and have procedures for review and adjustment of orders, consistent with a plan indicating how and when child support orders are to be reviewed and adjusted. Review may take place at the request of either parent subject to the order or at the request of a State child support agency. Any adjustment to the award must be consistent with the State's guidelines, which must be used as a rebuttable presumption in establishing or adjusting the support order. The Family Support Act also required States to review all orders being enforced under the child support program within 36 months after establishment or after the most recent review of the order and to adjust the order in accord with the State's guidelines.

Review is required in child support cases in which support rights are assigned to the State, unless the State has determined that review would not be in the best interests of the child and neither parent has requested a review. This provision applies to child support orders in cases in which

benefits under the AFDC, foster care, or Medicaid Programs are currently being provided, but does not include orders for former AFDC, foster care, or Medicaid cases, even if the State retains an assignment of support rights for arrearages that accumulated during the time the family was on welfare. In child support cases in which there is no current assignment of support rights to the State, including former recipients of AFDC, foster care, or Medicaid benefits receiving continued child support services, review is required at least once every 36 months only if a parent requests it. If the review indicates that adjustment of the support amount is appropriate, the State must proceed to adjust the award accordingly.

The Family Support Act also required States to notify parents in cases being enforced by the State both of their right to request a review at least 30 days before it begins and of any proposed adjustment or determination that there should be no change in the award amount. In the latter case, the parent must be given at least 30 days after notification to initiate proceedings to challenge the proposed adjustment or determination.

The frequency of review and updating of support orders has increased greatly since the 1984 amendments. As a result, several issues have become apparent. When an initial child support amount is established under guidelines, it generally is reasonable to apply the guidelines to later modification. However, when newly adopted guidelines are used to modify old orders, some noncustodial parents may have to pay substantially higher child support. Noncustodial parents who decided to start second families based on financial calculations which assumed the amount of the original order argue that it is unfair for States to use new State-established guidelines to update or revise their preexisting award obligations (Malone, 1989, pp. 31-32). Other issues associated with updating child support awards include the expected increased resources necessary to review and update orders, and the disinclination of child support staff to initiate downward modifications.

Another major issue in the modification of awards was that 18 States permitted retroactive modifications. The vast majority of such retroactive modifications had the effect of reducing the amount of child support ordered. Thus, for example, an order for \$200 a month for child support, which was unpaid for 36 months, should accumulate an arrearage of \$7,200. Yet, if the obligor was brought to court, having made no prior attempt to modify the order, the order might be reduced to \$100 a month retroactive to 36 months prior to the date of modification. This retroactive modification would reduce the arrearage from \$7,200 to \$3,600. Cases such as this, which had serious impacts on custodial parents and their children, convinced Congress to take action.

Thus, in 1986 Congress enacted section 9103 of Public Law 99-509 (section 466(a)(9) of the Social Security Act) to change State practices involving modification of child support arrears. The provision required States to change their laws so that any payment of child support, on and after the date due, is a judgment (the official decision or finding of a court on the respective rights and claims of the parties to an action) by operation of law. The provision further requires that the judgment be entitled to full faith and credit in the originating State and in any other State. Full faith and credit is a constitutional principle that the various States must

recognize the judgments of other States within the United States and accord them the force and effect they would have in their home State.

The 1986 provision also greatly restricts retroactive modification to make it more difficult for courts and administrative entities to forgive or reduce arrearages. More specifically, orders can be retroactively modified only for a period during which there is pending a petition for modification and only from the date that notice of the petition has been given to the custodial or noncustodial parent.

Promoting Medical Support

Section 16 of Public Law 98-378, enacted in 1984, requires the Secretary of HHS to issue regulations to require that State child support agencies petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the noncustodial parent at reasonable cost. According to Federal regulations, any employment-related or other group coverage is considered reasonable, under the assumption that health insurance is inexpensive to the employee/noncustodial parent. A 1993 study by Cooper and Johnson that analyzed 1987 data from the Center for Health Expenditures and Insurance Studies indicated that, for low-wage (i.e., poor--income below poverty line) employees with employer-provided family health insurance coverage, 77 percent of the premium was paid for by the employer.

On October 16, 1985, OCSE published regulations amending previous regulations and implementing section 16 of Public Law 98-378. The regulations require State child support agencies to obtain basic medical support information and provide this information to the State Medicaid agency. If the custodial parent does not have satisfactory health insurance coverage, the child support agency must petition the court or administrative authority to include medical support in new or modified support orders and inform the State Medicaid agency of any new or modified support orders that include a medical support obligation. The regulations also require child support agencies to enforce medical support that has been ordered by a court or administrative process. In addition, these regulations permit the use of child support matching funds at the 66-percent rate for required medical support activities. Before these regulations were issued, medical support activities were pursued by child support agencies only under optional cooperative agreements with Medicaid agencies.

Some of the functions that the child support agency may perform under a cooperative agreement with the Medicaid agency include: receiving referrals from the Medicaid agency, locating noncustodial parents, establishing paternity, determining whether the noncustodial parent has a health insurance policy or plan that covers the child, obtaining sufficient information about the health insurance policy or plan to permit the filing of a claim with the insurer, filing a claim with the insurer or transmitting the necessary information to the Medicaid agency, securing health insurance coverage through court or administrative order (when it will not reduce the noncustodial parent's ability to pay child support), and recovering amounts necessary to reimburse medical assistance payments.

On September 16, 1988, OCSE issued regulations expanding the medical support enforcement provisions. These regulations

require the child support agency to develop criteria to identify existing child support cases that have a high potential for obtaining medical support, and to petition the court or administrative authority to modify support orders to include medical support for targeted cases even if no other modification is anticipated. The child support agency also is required to provide the custodial parent with information regarding the health insurance coverage obtained by the noncustodial parent for the child. Moreover, the regulation deletes the condition that child support agencies may secure health insurance coverage under a cooperative agreement only when it will not reduce the noncustodial parent's ability to pay child support. The purpose of the medical support provisions is to expand the number of children for whom private health insurance coverage is obtained by increasing the availability of third party resources to pay for medical care and thereby reduce Medicaid costs for both the States and the Federal Government.

Before late 1993, employees covered under their employer's health care plans generally could provide coverage to their children only if the children lived with the employee. However, as a result of divorce proceedings, employees often lost custody of their children but were nonetheless required to provide their health care coverage. While the employee would be obliged to follow the court's directive, the employer that sponsored the employee's health care plan was under no similar obligation. Even if the court ordered the employer to continue health care coverage for the nonresident child of their employee, the employer would be under no legal obligation to do so (Shulman, 1994, pp. 1-2). Aware of this situation, Congress took the following legislative action in the Omnibus Budget Reconciliation Act of 1993:

1. Insurers were prohibited from denying enrollment of a child under the health insurance coverage of the child's parent on the grounds that the child was born out of wedlock, is not claimed as a dependent on the parent's Federal income tax return, or does not reside with the parent or in the insurer's service area;
2. Insurers and employers were required, in any case in which a parent is required by court order to provide health coverage for a child and the child is otherwise eligible for family health coverage through the insurer: (a) to permit the parent, without regard to any enrollment season restrictions, to enroll the child under such family coverage; (b) if the parent fails to provide health insurance coverage for a child, to enroll the child upon application by the child's other parent or the State child support or Medicaid agency; and (c) with respect to employers, not to disenroll the child unless there is satisfactory written evidence that the order is no longer in effect, or the child is or will be enrolled in comparable health coverage through another insurer that will take effect not later than the effective date of the disenrollment;
3. Employers doing business in the State, if they offer health insurance and if a court order is in effect, were required to withhold from the employee's compensation the employee's share of premiums for health insurance and to pay that share to the insurer. The Secretary of HHS may provide by regulation for such exceptions to

this requirement (and other requirements described above that apply to employers) as the Secretary determines necessary to ensure compliance with an order, or with the limits on withholding that are specified in section 303(b) of the Consumer Credit Protection Act;

4. Insurers were prohibited from imposing requirements on a State agency acting as an agent or assignee of an individual eligible for medical assistance that are different from requirements applicable to an agent or assignee of any other individual;
5. Insurers were required, in the case of a child who has coverage through the insurer of a noncustodial parent:
 - (a) to provide the custodial parent with the information necessary for the child to obtain benefits;
 - (b) to permit the custodial parent (or provider, with the custodial parent's approval) to submit claims for covered services without the approval of the noncustodial parent; and
 - (c) to make payment on claims directly to the custodial parent, the provider, or the State agency; and
6. The State Medicaid agency was permitted to garnish the wages, salary, or other employment income of, and to withhold State tax refunds to, any person who:
 - (a) is required by court or administrative order to provide health insurance coverage to an individual eligible for Medicaid;
 - (b) has received payment from a third party for the costs of medical services to that individual; and
 - (c) has not reimbursed either the individual or the provider. The amount subject to garnishment or withholding is the amount required to reimburse the State agency for expenditures for costs of medical services provided under the Medicaid Program. Claims for current or past due child support take priority over any claims for the costs of medical services.

These provisions appear to be having an impact on the number of children in single-parent families with medical coverage. According to OCSE data, 58 percent of support orders established in fiscal year 1994 included health insurance, up from 46 percent in fiscal year 1991. Nevertheless, only 32 percent of support orders enforced or modified in fiscal year 1994 included health insurance, down slightly from 35 percent in 1991. These figures indicate that many children still lack coverage. One way to increase medical support may be to require withholding of health insurance premiums in all cases with medical support orders (Gordon, 1994).

Collecting Child Support

Local courts and child support enforcement agencies attempt to collect child support when the noncustodial parent does not pay. The most important collection method is wage withholding. Other techniques for enforcing payments include regular billings, delinquency notices, liens on property, offset of unemployment compensation payments, seizure and sale of property, reporting arrearages to credit agencies, garnishment of wages, seizure of State and Federal income tax refunds, and Federal imprisonment, fines or both.

In addition to approaches authorized by the Federal Government through the child support program, States use a

variety of other collection techniques. In fact, States have been at the forefront in implementing innovative approaches. Some States revoke or deny various types of licenses (drivers', business, occupational, recreational) to persons who are delinquent in their child support payments; some States attach lottery winnings and insurance settlements of debtor parents; and some States hire private collection agencies to collect child support payments. Some States even bring charges of criminal nonsupport or civil or criminal contempt of court against noncustodial parents who fail to pay child support. These court proceedings usually involve much time because of court backlogs, delays, and continuances. Once a court decides the case, noncustodial parents are often given probation or suspended sentences, and occasionally they are even awarded lower support payments and only partial payment of arrearages. To combat problems associated with court delays, the child support statute requires States to implement expedited processes under the State judicial system or State administrative processes for obtaining and enforcing support orders.

Given the pivotal role of collections in the child support process, this section now turns to detailed discussion of the most effective collections procedures. Summary data on the effectiveness of four of the most effective collection methods are presented in table 9-2.

Wage withholding

The Family Support Act of 1988 greatly expanded wage withholding by requiring immediate withholding to begin in November 1990 for all new or modified orders being enforced by States. Equally important, States were required to implement immediate wage withholding in all support orders initially issued on or after January 1, 1994, regardless of whether a parent has applied for child support services.

The child support amendments of 1984 also required that States have in effect two distinct procedures for withholding wages of noncustodial parents. First, for existing cases enforced through the child support agency, States were required to impose wage withholding whenever an arrearage accrued that was equal to the amount of support payable for 1 month. Second, for all child support cases, all new or modified orders were required to include a provision for wage withholding when an arrearage occurs. The intent of the second procedure was to ensure that orders not enforced through the child support agency contain the authority necessary to permit wage withholding to be initiated by someone other than the child support agency.

According to the Federal statute, State due process requirements govern the scope of notice that must be provided to an obligor (i.e., noncustodial parent) when withholding is triggered. As a general rule, the noncustodial parent is entitled to advance notice of the withholding procedure. This notice, where required, must inform the noncustodial parent of the following: the amount that will be withheld; the application of withholding to any current or subsequent period of employment; the procedures available for contesting the withholding and the sole basis for objection (i.e., mistake of fact); the period allotted to contest the withholding and the result of failure to contact the State within this timeframe (i.e., issuance of notification to the employer to begin withholding); and the steps the State will take if the

noncustodial parent contests the withholding, including the procedure to resolve such contests.

If the noncustodial parent contests the withholding notice, the State must conduct a hearing, determine if the withholding is valid, notify the noncustodial parent of the decision, and notify the employer to commence the deductions if withholding is upheld. All of this must occur within 45 days of the initial notice of withholding. Whether a State uses a judicial or an administrative process, the only basis for a hearing is a factual mistake about the amount owed (current, arrearage or both) or the identity of the noncustodial parent.

TABLE 9-2.--CHILD SUPPORT COLLECTIONS MADE BY VARIOUS ENFC
[Dollars in mil

Enforcement technique	Chi	
	1989	19
Wage withholding.....	\$2,144	\$3,
Federal income tax offset.....	411	
State income tax offset.....	62	
Unemployment compensation intercept.....	54	
Other \1\.....	2,570	2,
Total collections.....	\$5,241	\$6,

\1\ The Office of Child Support Enforcement (OCSE) does not designate the source collections in the other category came from noncustodial parents who were compl support agency. Moreover, the OCSE officials maintain that reliability of colle

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services

When withholding is uncontested or when a contested case is resolved in favor of withholding, the administering agency must serve a withholding notice on the employer. The employer is required to withhold as much of the noncustodial parent's wages as is necessary to comply with the order, including the current support amount plus an amount to be applied toward liquidation of any arrearage. In addition, the employer may retain a fee to offset the administrative cost of implementing withholding. Employer fees per wage withholding transaction range from nothing to \$3 per pay period to \$5 per attachment to \$10 per month (Office of Child Support, 1986, p. 7).

The Federal Consumer Credit Protection Act limits garnishment to 50 percent of disposable earnings for a noncustodial parent who is the head of a household, and 60 percent for a noncustodial parent who is not supporting a second family. These percentages increase by 5 percentage points, to 55 and 65 percent respectively, when the arrearages represent support that was due more than 12 weeks before the current pay period.

Upon receiving a withholding notice, the employer must begin withholding the appropriate amount of the obligor's wages no later than the first pay period that occurs after 14 days following the date the notice was mailed. The 1984 amendments regulate the language in State statutes on the other rights and liabilities of the employer. For instance, the employer is subject to a fine for discharging a noncustodial parent or taking other forms of retaliation as a result of a withholding

order. In addition, the employer is held liable for amounts not withheld as directed.

In addition to being able to charge the noncustodial parent a fee for the administrative costs associated with wage withholding, the employer can combine all support payments required to be withheld for multiple obligors into a single payment and forward it to the child support agency or court with a list of the cases to which the payments apply. The employer need not vary from his normal pay and disbursement cycle to comply with withholding orders; however, support payments must be forwarded to the State or other designated agency within 10 days of the date on which the noncustodial parent is paid.

When the noncustodial parent changes jobs, the previous employer must notify the court or agency that entered the withholding order. The State must then notify the new employer or income source to begin withholding from the obligor's wages. In addition, States must develop procedures to terminate income withholding orders when all of the children are emancipated and no arrearage exists.

As shown in table 9-2, the Congressional emphasis on wage withholding has paid off handsomely. Not only has the total amount of support collected through wage withholding increased each year, reaching \$6.1 billion in 1995, but the percentage of total collections achieved through wage withholding has also increased steadily, growing from about 41 percent in 1989 to nearly 57 percent in 1995.

Federal income tax refund offset

Under this program, the IRS, operating on request from a State filed through the Secretary of HHS, simply intercepts tax returns and deducts the amount of certified child support arrearages. The money is then sent to the State for distribution. The availability of the IRS collection mechanism for child support was strengthened by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). IRS can now withhold past due support from Federal tax refunds upon a simple showing by the State that an individual owes at least \$150 in past due support which has been assigned to the State as a condition of AFDC eligibility. The withheld amount is sent to the State agency, together with notice of the taxpayer's current address.

The 1984 amendments created a similar IRS offset program for non-AFDC families owed child support. States must submit to the IRS for withholding the names of absent parents who have arrearages of at least \$500 and who, on the basis of current payment patterns and the enforcement efforts that have been made, are unlikely to pay the arrearage before the IRS offset can occur. The law establishes specific notice requirements and mandates that the noncustodial parent and his spouse (if any) be informed of the impending use of the tax offset procedure. The purpose of this notice is to protect the unobligated spouse's portion of the tax refund. The 1988 provision applied to refunds payable after December 31, 1985, and before January 1, 1991. Public Law 101-508, enacted in 1990, makes permanent the IRS offset program for non-AFDC families.

In fiscal year 1995, according to IRS, more than 1 million cases were offset. The total amount intercepted was \$804 million, up by a factor of four since 1985.

State income tax refund offset

The child support amendments of 1984 mandate that States

increase the effectiveness of the child support program by, among other things, enacting several collection procedures. Among the required procedures is the interception of State income tax refunds payable to noncustodial parents up to the amount of overdue support. As in the case of liens and bonds, this procedure need not be used in cases found inappropriate under State guidelines.

The State tax intercept program allows a State to collect overdue child support payments by intercepting State tax refunds due a noncustodial parent. The State tax refund is applied to a support arrearage to reduce or eliminate through an "offset" the debt of an obligor that is owed either to the State or to the custodial parent.

In order for the State tax refund offset to work effectively, cooperation between the State's department of revenue and the child support agency is crucial. The names and Social Security numbers of delinquent noncustodial parents are submitted to the department of revenue for matching with tax return forms. If a match occurs and a refund is due, the refund or a portion of it is transferred from the State department of revenue to the child support agency and then credited to the appropriate noncustodial parent to offset his support debt. The child support agency must give advance notice of the impending offset to the noncustodial parent and must also inform him of the process for contesting and resolving the proposed action. If the custodial parent does not respond to the notice, the money is intercepted and forwarded to the child support agency for distribution.

In fiscal year 1995, the State tax intercept program collected \$97 million (table 9-2). Unlike the Federal program, which requires that States certify a specified amount before the offset can be applied (\$150 for AFDC families and \$500 for non-AFDC families), States choose their own level for certification. In many States, the amount is the same for both AFDC and non-AFDC families. Although the amounts vary greatly from State to State, the amount in the typical State is about \$100.

Unemployment compensation intercept

Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, requires State child support agencies to determine on a periodic basis whether individuals receiving unemployment compensation owe support obligations that are not being met. The Act also requires child support agencies to enforce support obligations in accord with State-developed guidelines for obtaining an agreement with the individual to have a specified amount of support withheld from unemployment compensation or, in the absence of an agreement, for bringing legal proceedings to require the withholding. The child support agency must reimburse the State employment security agency for the administrative costs attributable to withholding unemployment compensation.

The unemployment compensation intercept program collected \$187 million in fiscal year 1995 (table 9-2). A number of States, especially those with high levels of unemployment (but where the noncustodial parent has had some attachment to the labor force), are finding that the unemployment offset procedure can raise collections significantly.

Property liens

A lien is a legal claim on someone's property as security against a just debt. The use of liens for child support

enforcement was characterized during congressional debate on the child support amendments of 1984 as "simple to execute and cost effective and a catalyst for an absent parent to pay past due support in order to clear title to the property in question" (U.S. House, 1983). The Ways and Means Committee report stated that liens would complement the income withholding provisions of the 1984 law and be particularly helpful in enforcing support payments owed by noncustodial parents with substantial assets or income but who are not salaried employees.

The 1984 legislation required States to enact laws and implement "procedures under which liens are imposed against real property for amount of overdue support owed by an absent parent who resides or owns property in the State." Liens can apply to property such as land, vehicles, houses, antique furniture, and livestock. The law provides, however, that States need not use liens in cases in which, on the basis of guidelines that generally are available to the public, it determines that lien procedures would be inappropriate. This provision implicitly requires States to develop guidelines about use of liens.

Generally, a lien for delinquent child support is a statutorily created mechanism by which an obligee obtains a nonpossessory interest in property belonging to the noncustodial parent. The interest of the custodial parent is a slumbering interest that allows the noncustodial parent to retain possession of the property, but affects the noncustodial parent's ability to transfer ownership of the property to anyone else. A child support lien converts the custodial parent from an unsecured to a secured creditor. As such, it gives the custodial parent priority over unsecured creditors and subsequent secured creditors. In some States a lien is established automatically upon entry of a support order and the first incidence of noncompliance by the obligor. Frequently, the mere imposition of a lien will motivate the delinquent parent to do whatever is necessary to remove the lien (i.e., pay past due support). When this is not the case, it may become necessary to enforce the lien. Liens are not self-executory. They merely impede the debtor's ability to transfer property. If a lien exists, a debtor must satisfy the judgment before the property may be sold or transferred. However, it is not necessary for the obligee to wait until the obligor tries to transfer the property before taking action. The obligee may enforce her judgment by execution and levy against the property if she believes the amount of equity in the property justifies execution.

Several States have increased their use of liens by identifying individuals who possess appropriate assets through use of information obtained from Project 1099. Initiated in 1984 to assist in location efforts, since the fall of 1988 Project 1099 has routinely provided wage and employer information as well as location and asset information on noncustodial parents.

Bonds, securities, and other guarantees

The 1984 child support amendments require States to have in effect and use procedures under which noncustodial parents must post security, bond, or some other guarantee to secure payment of overdue child support. This technique is useful where significant assets exist although the noncustodial parent's income is sporadic, seasonal, or derived from self-employment

not accessible to more traditional enforcement methods. As in the case of liens, this procedure need not be used in cases found inappropriate under State guidelines. The State guidelines should define and target assets that can appropriately be sought to secure or guarantee payment (but not hinder or prevent the noncustodial parent from effectively pursuing his livelihood).

IRS full collection process

Since 1975, Congress has authorized the Internal Revenue Service (IRS) to collect certain child support arrearages as if they were delinquent Federal taxes. This method is known as the IRS full collection process. It works as follows. The Secretary of HHS must, upon the request of a State, certify to the Secretary of Treasury for collection by the IRS any amounts identified by the State as delinquent child support. The Secretary of HHS may certify only the amounts delinquent under a court or administrative order, and only upon a showing by the State that it has made diligent and reasonable efforts to collect amounts due using its own collection mechanisms. States must reimburse the Federal Government for any costs involved in making the collections. This full collection process is used only when there is a good chance that the IRS can make a collection and only for cases in which a child support obligation is delinquent and the amount owed has been certified to be at least \$750. Use by the States of this regular IRS collection mechanism, which may include seizure of property, freezing of accounts, and use of other aggressive procedures, has been relatively infrequent. In fiscal year 1994, collections were made in only 327 cases nationwide, for a total collection of \$532,618.

Credit bureau reporting

The 1984 Federal child support legislation required States to develop procedures for providing child support debt information to credit reporting agencies (sometimes referred to as credit bureaus). The primary purposes for reporting delinquent child support payers to credit reporting agencies are to discourage noncustodial parents from not making their child support payments, to prevent the undeserved extension of credit, and to maintain the noncustodial parent's ability to pay his child support obligation. Other benefits include access by child support agencies to address, employment, and asset information.

The 1984 amendments require States to report overdue child support obligations exceeding \$1,000 to consumer reporting agencies if such information is requested by the credit bureau. States have the option of reporting in cases in which the noncustodial parent is less than \$1,000 in arrears. States must provide noncustodial parents with advance notice of intent to release information on their child support arrearage and an opportunity for them to contest the accuracy of the information. The child support agency may charge the credit bureau a fee for the information.

Although some States and counties had agreements in place with credit bureaus to obtain information about the location of absent parents, the 1984 provision requires States to authorize the routine transfer of information concerning overdue child support to credit bureaus on a much broader basis. Moreover, it is in the interest of credit bureaus to request such information because overdue child support adversely affects an obligated parent's ability to pay other debts.

Public Law 102-537, the Ted Weiss Child Support Enforcement Act of 1992, amends the Fair Credit Reporting Act to require consumer credit reporting agencies to include in any consumer report information on child support delinquencies. The information is provided by or verified by State or local child support agencies. Public Law 103-432, enacted in October 1994, includes a provision that requires States to periodically report to consumer reporting agencies the name of parents owing at least 2 months of overdue child support, and the amount of the child support overdue.

Federal garnishment

The 1975 child support legislation included a provision allowing garnishment of wages and other payments by the Federal Government for enforcement of child support and alimony obligations. The law also provided that moneys, payable by the United States to any individual for employment, are subject to legal proceedings brought for the enforcement of child support or alimony. The law sets forth in detail the procedures that must be followed for service of legal process and specifies that the term "based upon remuneration for employment" includes wages, periodic benefits for the payment of pensions, retirement pay including Social Security, and other kinds of Federal payments. Several sources of Federal payments, however, may not be garnished. These include any payment as compensation for death under any Federal program, Federal black lung benefits, veterans' pensions or compensation benefits for a service-related disability or death, and amounts paid to defray employment-related expenses.

Military allotments

Child support enforcement workers face unique difficulties when working on cases in which the absent parent is an active duty member of the military service. Learning to work through military channels can prove both challenging and frustrating, especially if the child support agency is not near a military base. As a result, military cases are often ignored or not given sufficient attention (Office of Child Support, 1991).

Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, requires allotments from the pay and allowances of any active duty member of the uniformed service who fails to make child or spousal support payments. This requirement arises when the service member fails to make support payments in an amount at least equal to the value of 2 months' worth of support. Provisions of the Federal Consumer Credit Protection Act apply, limiting the percentage of the member's pay that is subject to allotment. The amount of the allotment is the amount of the support payment, as established under a legally enforceable administrative or judicial order.

Since October 1, 1995, the Department of Defense has consolidated its garnishment operations at the Defense Finance and Accounting Service in Cleveland, Ohio. Support orders received by the Service are processed immediately and notices are sent to the appropriate military pay center to start payments in the first pay cycle (Office of Child Support, 1995c).

Small business loans

The 103d Congress passed legislation, the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403), which included the requirement that recipients of financial assistance from the Small Business Administration, including direct loans and loan guarantees,

must certify that the recipient is not more than 60 days delinquent in the payment of child support. The new law requires the administration to promulgate, no later than 6 months after enactment, regulations to enforce compliance with the provision.

Other provisions

On February 27, 1995, President Clinton signed an Executive order establishing the executive branch of the Federal Government, including its civilian employees and the uniformed services members, as a model employer in promoting and facilitating the establishment and enforcement of child support. The Executive order states that the Federal Government is the Nation's largest single employer and as such should set an example of leadership and encouragement in ensuring that all children are properly supported. Among other measures, the order requires the Federal agencies and the uniformed services to cooperate fully in efforts to establish paternity and child support orders and to enforce the collection of child and medical support. The order also requires Federal agencies to provide information to their personnel concerning the services that are available to them and to ensure that their children are provided the support to which they are legally entitled (Office of Child Support, 1995b).

Interstate Enforcement

The most difficult child support orders to enforce are interstate cases. States are required to cooperate in interstate child support enforcement, but problems arise from the autonomy of local courts. Family law has traditionally been under the jurisdiction of State and local governments, and citizens fall under the jurisdiction of the courts where they live.

State laws require parents to be responsible for the financial support of their children. During the 1930s and 1940s, such laws were used to establish and enforce support obligations when the noncustodial parent, custodial parent, and child lived in the same State. But when noncustodial parents lived out of State, enforcing child support was cumbersome and ineffective. Often the only option in these cases was to extradite the noncustodial parent and, when successful, to jail the person for nonsupport. Extradition is the process used to bring an obligor charged with or convicted of a crime (in this case, criminal nonsupport) from an asylum State back to the State where the children are located. This procedure, rarely used, generally punished the irresponsible parent, but left the abandoned family without financial support.

A University of Michigan study (Hill, 1988) of separated parents found that 12 percent lived in different States 1 year after divorce or separation. That proportion increased to 25 percent after 3 years, and to 40 percent after 8 years. Estimates based on the Federal Income Tax Refund Offset Program and other sources suggest that approximately 30 percent of all child support cases involve interstate residency of the custodial and noncustodial parents (Weaver & Williams, 1989, p. 510). According to U.S. Census Bureau data (1991), 20 percent of noncustodial parents lived in a different State than their children, 3 percent lived overseas, and the residence of 11 percent of the noncustodial parents was unknown.

Uniform Reciprocal Enforcement of Support Act (URESA)

Starting in 1950, interstate cooperation was promoted through the adoption by the States of URESA. This act, which was first proposed by the National Conference of Commissioners on Uniform State Laws in 1950, has been enacted in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The act was amended in 1952 and 1958 and revised in 1968. Thus, even though every State has passed some provisions of URESA, many provisions vary greatly from State to State. URESA, in short, is uniform in name only.

The purpose of URESA was to provide a system for the interstate enforcement of support orders without requiring the person seeking support to go (or have her legal representative go) to the State in which the noncustodial parent resided. Where the URESA provisions between the two States are compatible, the law can be used to establish paternity, locate an absent parent, and establish, modify, or enforce a support order across State lines. However, some observers note that the use of URESA procedures often result in lower orders for both current support and arrearages. They also contend that few child support agencies attempt to use URESA procedures to establish paternity or to obtain a modification in a support order.

Long arm statutes

Unlike URESA, interstate cases established or enforced by long arm statutes use the court system in the State of the custodial parent rather than that of the noncustodial parent. When a person commits certain acts in a State of which he is not a resident, that person may be subjecting himself to the jurisdiction of that State. The long arm of the law of the State where the event occurs may reach out to grab the out-of-State person so that issues relating to the event may be resolved where it happened. Under the long arm procedure, the State must authorize by statute that the acts allegedly committed by the defendant are those that subject the defendant to the State's jurisdiction. An example is a paternity statute stating that if conception takes place in the State and the child lives in the State, the State may exercise jurisdiction over the alleged father even if he lives in another State. Long arm statute language usually extends the State's jurisdiction over an out-of-State defendant to the maximum extent permitted by the U.S. Constitution under the 14th amendment's due process clause. Long arm statutes may be used to establish paternity, establish support awards, and enforce support orders.

Federal courts

The 1975 child support law mandated that the State plan for child support require States to cooperate with other States in establishing paternity, locating absent parents, and securing compliance with court orders. Further, it authorized the use of Federal courts as a last resort to enforce an existing order in another State if that State were uncooperative.

Section 460 of the Social Security Act states that the district courts of the United States shall have jurisdiction, without regard to any amount in controversy, to hear and determine any civil action certified by the Secretary of HHS under section 452(a)(8) of the act. A civil action under section 460 may be brought in any judicial district in which the claim arose, the plaintiff resides, or the defendant resides. Section 452(a)(8) states that the Secretary of HHS shall receive applications from States for permission to use the courts of the United States to enforce court orders for

support against noncustodial parents. The Secretary must approve applications if she finds both that a given State has not enforced a court order of another State within a reasonable time and that using the Federal courts is the only reasonable method of enforcing the order.

As a condition to obtaining certification from the Secretary, the child support agency of the initiating State must give the child support agency of the responding State at least 60 days to enforce the order as well as a 30-day warning of its intent to seek enforcement in Federal court. If the initiating State receives no response within the 30-day limit, or if the response is unsatisfactory, the initiating State may apply to the OCSE Regional Office for certification. The application must attest that all the requirements outlined above have been satisfied. Upon certification of the case, a civil action may be filed in the U.S. district court. Although this interstate enforcement procedure has been available since enactment of the child support program in 1975, there has only been one reported case of its use by a State (the initiating State was California; the responding State was Texas).

Interstate income withholding

Interstate income withholding is a process by which the State of the custodial parent seeks the help of the State in which the noncustodial parent's income is earned to enforce a support order using the income withholding mechanism. Pursuant to the child support amendments of 1984, income withholding was authorized for all valid in-state or out-of-State orders issued or modified after October 1, 1985, and for all orders in child support enforcement (i.e., IV-D) cases regardless of the date the order was issued. Although Federal law requires a State to enforce another State's valid orders through interstate withholding, there is no Federal mandate that interstate income withholding procedures be uniform. Approaches vary from the Model Interstate Income Withholding Act to URESA registration. The preferred way to handle an interstate income withholding request is to use the interstate action transmittal form from one child support agency to another. In child support enforcement cases, Federal regulations required that by August 22, 1988, all interstate income withholding requests be sent to the enforcing State's central registry for referral to the appropriate State or local official. The actual wage withholding procedure used by the State in which the noncustodial parent lives is the same as that used in intrastate cases. In a 1992 report (U.S. General Accounting Office, 1992a, p. 4 & pp. 21-28), GAO indicated that the main reason for the failure of interstate income withholding was the lack of uniformity in its implementation.

Full faith and credit

One of the most significant barriers to improved interstate collections is that, because a child support order is not considered a final judgment, the full faith and credit clause of the U.S. Constitution does not preclude modification. Thus, the order is subject to modification upon a showing of changed circumstances by the issuing court or by another court with jurisdiction. Congress could prohibit inter- or intrastate modifications of child support orders, but many students of child support hold that a complete ban on modifications would be unrealistic and unfair. A more likely approach would be one under which States were required to give full faith and credit to each other's child support orders under most circumstances.

The Omnibus Budget Reconciliation Act of 1986, Public Law 99-509, took a step in this direction by requiring States to treat past due support obligations as final judgments entitled to full faith and credit in every State. Thus, a person who has a support order in one State does not have to obtain a second order in another State to obtain the money due should the debtor parent move from the issuing court's jurisdiction. The second State can modify the order prospectively if it finds that circumstances exist to justify a change, but the second State may not retroactively modify a child support order.

Public Law 103-383, the Full Faith and Credit for Child Support Orders Act (signed into law Oct. 20, 1994), restricts a State court's ability to modify a child support order issued by another State unless the child and the custodial parent have moved to the State where the modification is sought or have agreed to the modification.

Commission on interstate child support enforcement

The Family Support Act of 1988, Public Law 100-485, included several provisions affecting interstate child support enforcement. The law required States to establish automated statewide, comprehensive case tracking and monitoring systems, which would improve each State's ability to manage interstate cases. But most importantly, the law required the establishment of a 15-member commission to study interstate child support establishment and enforcement.

The U.S. Commission on Interstate Child Support's report to Congress, issued in 1992, includes 120 recommendations for improving the Child Support Enforcement Program. The report highlights several recommendations deemed essential to improving interstate enforcement:

1. Establishment of an integrated, automated network linking all States to provide quick access to locate and income information (which would include new hire information based on W-4 forms);
2. Establishment of income withholding across State lines from the person seeking enforcement directly to the income source in the other State;
3. Enactment by States of the Uniform Interstate Family Support Act (UIFSA; which would replace URESA);
4. State use of early, voluntary parentage determination for children born outside marriage and uniform evidentiary rules for contested paternity cases;
5. Universal access to health care insurance for children of separated parents;
6. More emphasis on staff training and increased resources to ensure that all cases are processed on a more timely basis; and
7. Revision of child support funding to ensure that action is taken on cases most in need of attention (U.S.

Commission on Interstate Child Support, 1992, p. xiii).

Federal criminal penalties

The Child Support Recovery Act of 1992 imposed a Federal criminal penalty for the willful failure to pay a past due child support obligation to a child who resides in another State and that has remained unpaid for longer than a year or is greater than \$5,000. For the first conviction, the penalty is a fine of up to \$5,000, imprisonment for not more than 6 months, or both; for a second conviction, the penalty is a fine of not more than \$250,000, imprisonment for up to 2 years, or both.

Uniform Interstate Family Support Act (UIFSA)

One of the Commission on Interstate Child Support Enforcement's major recommendations to Congress was to replace URESA with UIFSA, the Uniform Interstate Family Support Act, a model State law for handling interstate child support cases drafted by the National Conference of Commissioners on Uniform State Laws and approved by the Commissioners in August 1992.

UIFSA is designed to deal with desertion and nonsupport by instituting uniform laws in all 50 States and the District of Columbia. The core of UIFSA is limiting control of a child support case to a single State, thereby ensuring that only one child support order from one court or child support agency will be in effect at any give time. It follows that the controlling State will be able to effectively pursue interstate cases, primarily through the use of long arm statutes, because its jurisdiction is undisputed. Many, perhaps most, child support officials believe UIFSA will help eliminate jurisdictional disputes between States and lead to substantial increases in interstate collections.

UIFSA allows: (1) direct income withholding by the controlling State without second State involvement; (2) administrative enforcement without registration; and (3) registered enforcement based on the substantive laws of the controlling State and the procedural laws of the registering State. The order cannot be adjusted if only enforcement is requested, and enforcement may begin upon registration (before notice and hearing) if the receiving State's due process rules allow. Under UIFSA, the controlling State may adjust the support order under its own standards. In addition, UIFSA includes some uniform evidentiary rules to make interstate case handling easier, such as using telephonic hearings, easing admissibility of evidence requirements, and admitting petitions into evidence without the need for live or corroborative testimony to make a prima facie case. As of February 1996, 26 States and the District of Columbia had adopted UIFSA (Office of Child Support, 1992b, pp. 4-5).

Other procedures that aid interstate enforcement

In 1948, the National Conference of Commissioners on Uniform State Laws and the American Bar Association approved the Uniform Enforcement of Foreign Judgments Act (UEFJA), which simplifies the collection of child support arrearages in interstate cases. Revised in 1964 and adopted in only 30 States, UEFJA provides that upon the filing of an authenticated foreign (i.e., out-of-State) judgment and notice to the obligor, the judgment is to be treated in the same manner as a local one. A judgment is the official decision or finding of a court on the respective rights of the involved parties. UEFJA applies only to final judgments. As a general rule, child support arrearages that have been reduced to judgment are considered final judgments and thus can be filed under UEFJA. An advantage of UEFJA is that it does not require reciprocity (i.e., it need only be in effect in the initiating State). A disadvantage is that UEFJA is limited to collection of arrearages; it cannot be used to establish an initial order or to enforce current orders.

Summary information on collection methods

Table 9-2 shows that 66 percent of the roughly \$10.8 billion in child support payments collected in fiscal year 1995 was obtained through four enforcement techniques: wage withholding; Federal income tax refund offset; State income tax refund offset; and unemployment compensation intercept. The

remaining 34 percent is listed as collected by "other" means. Federal child support officials informed us that most of these "other" collections came from noncustodial parents who comply with their support orders by sending their payments to the CSE agency. The "other" category also includes collections from noncustodial parents who voluntarily sent money for their children even though a support order had never been established (about 1 percent of all collections), and enforcement techniques such as liens against property, the posting of bonds or securities, and use of the full IRS collection procedure. Table 9-2 indicates that by fiscal year 1991 wage withholding had become the primary enforcement method, producing nearly 47 percent of all child support collections. By 1995, the percentage had increased even further, reaching 57 percent.

BANKRUPTCY AND CHILD SUPPORT ENFORCEMENT

Giving debtors a fresh start is the goal of this country's bankruptcy system. Depending on the type of bankruptcy, a debtor may be able to discharge a debt completely, pay a percentage of the debt, or pay the full amount of the debt over a longer period of time. However, several debts may not be discharged, including debts for child support and alimony (U.S. Commission on Interstate Child Support, 1992, p. 209).

The 1975 child support legislation included a provision stating that an assigned child support obligation was not dischargeable in bankruptcy. In 1978 this provision was incorporated into the 1978 uniform law on bankruptcy. The bankruptcy law also listed exceptions to discharge including alimony and maintenance or support due a spouse, former spouse, or child. In 1981, a provision stating that a child support obligation assigned to the State as a condition of eligibility for AFDC is not dischargeable in bankruptcy was reinstated. In 1984, the provision was expanded so that child support obligations assigned to the State as part of the child support program may not be discharged in bankruptcy, regardless of whether the payments are to be made on behalf of an AFDC or a non-AFDC family and regardless of whether the debtor was married to the child's other parent.

Some noncustodial parents seek relief from their financial obligations in the U.S. Bankruptcy Courts. Although child support payments may not be discharged via a filing of bankruptcy, the filing may cause long delays in securing child support payments. Pursuant to Public Law 103-394, enacted in 1994, a filing of bankruptcy will not stay a paternity, child support, or alimony proceeding. In addition, child support and alimony payments will be priority claims and custodial parents will be able to appear in bankruptcy court to protect their interests without having to pay a fee or meet any local rules for attorney appearances.

AUTOMATED SYSTEMS

In 1980, Congress authorized 90 percent Federal matching funds on an open-ended basis for States to design and implement automated data systems. Funds go to States that establish an automated data processing and information retrieval system designed to assist in administration of the State child support plan, and to control, account for, and monitor all factors in the enforcement, collection, and paternity determination

processes. Funds may be used to plan, design, develop, and install or enhance the system. The Secretary of HHS must approve the State system as meeting specified conditions before matching is available.

In 1984, Congress made the 90-percent rate available to pay for the acquisition of computer hardware and necessary software. The 1984 legislation also specified that if a State met the Federal requirement for 90 percent matching, it could use its funds to pay for the development and improvement of income withholding and other procedures required by the 1984 law. In May 1986, OCSE established a transfer policy requiring States seeking the 90 percent Federal matching rate to transfer existing automated systems from other States rather than to develop new ones, unless there were a compelling reason not to use the systems developed by other States.

In 1988, Congress required States without comprehensive statewide automated systems to submit an advance planning document to the OCSE by October 1, 1991, for the development of such a system. Congress required that all States have a fully operating system by October 1, 1995, at which time the 90 percent matching rate was to end. The 1988 law allowed many requirements for automated systems to be waived under certain circumstances. For instance, the HHS Secretary could waive a requirement if a State demonstrated that it had an alternative system enabling it to substantially comply with program requirements or a State provided assurance that additional steps would be taken to improve its program.

As of May 1, 1996, OCSE had approved the automated data systems of only five States--Delaware, Georgia, Montana, Virginia, and Washington. Most observers agree that States were delayed primarily by the lateness of Federal regulations specifying the requirements for the data systems and by the complexity of getting their final systems into operation. Thus, on October 12, 1995, Congress enacted Public Law 104-35 which extended for 2 years, from October 1, 1995 to October 1, 1997, the deadline by which States are required to have statewide automated systems for their child support programs. On October 1, 1995, however, the 90 percent matching rate ended; State spending on data systems is now matched at the basic administrative rate of 66 percent.

The purpose of requiring States to operate statewide automated and computerized systems is to ensure that child support functions are carried out effectively and efficiently. These requirements include case initiation, case management, financial management, enforcement, security, privacy, and reporting. Implementing these requirements can facilitate locating noncustodial parents and monitoring child support cases. For example, by linking automated child support systems to other State databases, information can be obtained quickly and cheaply about a noncustodial parent's current address, assets, and employment status. Systems can also be connected to the court system to access information on child support orders (U.S. General Accounting Office, 1992b).

AUDITS AND FINANCIAL PENALTIES

Audits are required at least every 3 years to determine whether the standards and requirements prescribed by law and regulations have been met by the child support program of every State. If a State fails the audit, Federal AFDC matching funds

must be reduced by an amount equal to at least 1 but not more than 2 percent for the first failure to comply, at least 2 but not more than 3 percent for the second failure, and at least 3 but not more than 5 percent for the third and subsequent failures. According to OCSE, two States that had followup reports issued in fiscal year 1993 and failed to achieve substantial compliance had a 1 percent penalty imposed during fiscal year 1994.

If a penalty is imposed after a followup review, a State may appeal the audit penalty to the HHS Departmental Appeals Board. Payment of the penalty is delayed while the appeal is pending. The appeals board reviews the written records which may be supplemented by informal conferences and evidentiary hearings.

The penalty may be suspended for up to 1 year to allow a State time to implement corrective actions to remedy the program deficiency. At the end of the corrective action period, a followup audit is conducted in the areas of deficiency. If the followup audit shows that the deficiency has been corrected, the penalty is rescinded. However, if the State remains out of compliance with Federal requirements, a graduated penalty, as provided by law, is assessed against the State. The actual amount of the penalty--between 1 and 5 percent of the State's AFDC matching funds (see above)--depends on the severity and the duration of the deficiency. If a State is under penalty, a comprehensive audit is conducted annually until the cited deficiencies are corrected (Office of Child Support, 1994, pp. 14-16). Penalty disallowance collections from five States (Mississippi, New Mexico, Ohio, Wyoming, and the District of Columbia) totaled \$1.253 million in fiscal year 1994.

ASSIGNMENT AND DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Two parties have claims on child support collections made by the State. The children and custodial parent on behalf of whom the payments are made, of course, have a claim on payments by the noncustodial parent. However, in the case of families that have received public aid, taxpayers who paid to support the destitute family by providing a host of welfare benefits also have a legitimate claim on the money.

Thus, over the years a series of somewhat complex rules have developed to determine who actually gets the money. It is helpful to think of these rules in two categories. First, there are rules in both Federal and State law that stipulate who has a legal claim on the payments owed by the noncustodial parent. These are called assignment rules. Second, there are rules that determine the order in which child support collections are paid in accord with the assignment rules. These are called distribution rules.

As long as families remain on welfare, the distribution of child support is straightforward. When families apply for AFDC, the custodial parent must assign to the State the right to collect any child support obligations that accumulated before the family joined welfare as well as support that comes due while the family is receiving welfare benefits. As long as the family remains on welfare, then, all but the first \$50 (see below and table 9-10 for information about the \$50 passthrough) is kept by the State and split with the Federal Government.

Consider a simple example. Suppose that when a given mother

signed up for welfare, the child support agency was successful in locating the father, establishing a support order for \$200 per month, and collecting the payments. Each month, the State would "pass through" \$50 to the mother and children and retain \$150, which in turn would be split with the Federal Government. In addition, the amount of welfare reimbursement owed to the State by the noncustodial parent would be reduced by \$200 each month. If the AFDC benefit were \$300 per month, the amount owed to the State by the noncustodial parent would increase by only \$100 each month rather than the full \$300.

Once families leave welfare, the amount of support assigned to the State is the amount that equals total AFDC payments to the family minus any child support paid by the noncustodial parent while the family was on welfare. At the moment the family leaves welfare, then, the noncustodial parent usually owes child support to both the government and the family. The amount owed the family is the amount of payments that accumulated before the family went on welfare plus any amount that accumulates because of nonpayment after the family leaves welfare.

The real issue, of course, is the order in which these debts will be paid once the family leaves AFDC. The first rule is straightforward: Payments against current support always go to the family. In the case above, no matter how long the mother was on welfare, the first \$200 of monthly payments is assigned to and distributed to the mother once the family leaves welfare. If the father never pays against arrearages, the government never gets repaid for the AFDC benefits it provided and the mother never gets repaid for arrearages that accrued before or after the family was on welfare.

Now assume that the father begins to make payments in excess of the current support amount of \$200. The issue arises of whether the State can keep the amount above the current support order as repayment for AFDC benefits or whether the State must give the arrearage payments to the family. Here we see that distribution law trumps assignment law under some circumstances; namely, whenever two or more parties have been assigned child support that is past due. Both parties have legal claims; the issue is which one is paid first.

Not surprisingly, Federal law allows States to make their own distribution rules to determine who gets arrearage collections. If the State so chooses, once current support has been paid to the family, it can keep the entire arrearage (part of which must be paid to the Federal Government) to pay for AFDC benefits previously paid to the family. Once the State and Federal Governments have been repaid the entire amount of AFDC benefits provided to the family, the State must pay arrearages to the family.

On the other hand, the State may allow the family to keep the arrearage payments. This decision may not be as costly to the State as at first appears. The extra money could be enough of a boost to the mother's financial position that she would be able to continue avoiding welfare, in which case the State would save the money that would otherwise have been paid as AFDC benefits--and perhaps as Medicaid and other welfare benefits as well.

At the moment, the Federal policy of allowing States to decide who gets arrearage payments once the family leaves welfare is under intense criticism. With the increased emphasis on helping mothers leave welfare and achieve self support, the

additional money mothers could receive from past due child support has taken on additional meaning.

FUNDING OF STATE PROGRAMS

The child support program conducted by States is financed by three major streams of money. The first and largest is the Federal Government's commitment to reimburse States for 66 percent of all allowable expenditures on child support activities. Allowable expenditures include outlays for locating parents, establishing paternity (with an exception noted below), establishing orders, and collecting payments.

There are two mechanisms through which Federal financial control of State expenditures is exercised. First, States must submit plans to the Secretary of HHS outlining the specific child support activities they intend to pursue. The State plan provides the Secretary with the opportunity to review and approve or disapprove child support activities that will receive the 66 percent Federal reimbursement. Second, as discussed previously, HHS conducts a financial audit of State expenditures.

In addition to the general matching rate of 66 percent, the Federal Government provides 90 percent matching for two especially important child support activities. First, until October 1, 1995, the Federal Government paid 90 percent of approved State expenditures on developing and improving management information systems. Congress decided to pay this enhanced match rate because data management, the construction of large data bases containing information on location, income, and assets of child support obligors, and computer access to such large data bases were seen as the keys to a cost effective child support system. In spending the additional Federal dollars on these data systems, Congress hoped to provide an incentive for States to adopt and aggressively employ efficient data management technology.

Congress also provides 90 percent funding for laboratory costs in blood testing. As in the case of data management systems, Congress justified enhanced funding of blood tests because paternity establishment is an activity vital to successful child support enforcement. Historically, establishing paternity in cases of births outside marriage has proven to be surprisingly difficult. Especially since the 1960s, more and more children have been born outside marriage; today nearly a third of all children are born to unwed mothers, and nearly 50 percent of these babies wind up on welfare. Thus, establishing paternity has become more and more important because a growing fraction of the AFDC caseload is children whose paternity has not been established. Congress hopes to stimulate the use of blood tests as a way of improving State performance in establishing paternity, especially given that recent experience in the States shows that many men voluntarily acknowledge paternity once blood tests reveal a high probability of their paternity.

In addition to the Federal administrative matching payments, the second stream of financing for State programs is child support collections. As we have seen, when mothers apply for AFDC, they assign the child's claim rights against the father to the State. As long as the family receives AFDC payments, the State can retain all but \$50 of child support payments up to the cumulative amount of the welfare payments.

AFDC law requires that the first \$50 of collections be given to the custodial parent and that this \$50 be disregarded in calculating AFDC eligibility and benefit level. Congress enacted this \$50 passthrough primarily to provide the mother with an incentive to cooperate with the child support program. As explained in detail in the section on "Distribution of Child Support Payments," States retain the right to pursue repayment for AFDC benefits from the father even after the family leaves welfare.

Recovered payments are split between the State and the Federal Government in accord with the percentage of Federal reimbursement of AFDC payments. Recall that in the AFDC Program, States set the benefit levels and the Federal Government then reimburses States a percentage that varies inversely with State per capita income--poor States have a high Federal reimbursement percentage, wealthy States have a lower Federal reimbursement percentage. Mississippi, for example, one of the poorest States, receives a reimbursement of about 80 percent for its AFDC expenditures. By contrast, States like California and New York that have high per capita income receive the minimum Federal reimbursement of 50 percent.

Since Federal dollars are used to finance a portion of the State AFDC payment, States are required to split child support collections from AFDC cases with the Federal Government. The rate at which States reimburse the Federal Government is the Federal matching rate in the AFDC Program. Thus, Mississippi must send 80 percent of child support collections made on behalf of AFDC families to the Federal Government because 80 percent of its AFDC benefit payments are reimbursed by Federal dollars. New York and California send only 50 percent of AFDC collections back to Washington.

The third stream of child support financing is Federal incentive payments. The current incentive system is designed to encourage States to collect child support from both AFDC and non-AFDC cases. Under the incentive formula, each State receives a payment equal to at least 6 percent of both AFDC collections and of non-AFDC collections. States that perform efficiently as indicated by the ratio of collections to administrative expenditures can receive incentive payments of up to 10 percent of collections in both the AFDC and non-AFDC Programs. The specific incentive percentage between 6 and 10 for which a State qualifies is based on the collections-to-expenditures ratios (see table 9-3).

TABLE 9-3.--INCENTIVE PAYMENT STRUCTURE

Collection-to-cost ratio	Incentive payment received (percent)
Less than 1.4 to 1.....	6.0
At least 1.4 to 1.....	6.5
At least 1.6 to 1.....	7.0
At least 1.8 to 1.....	7.5
At least 2.0 to 1.....	8.0
At least 2.2 to 1.....	8.5
At least 2.4 to 1.....	9.0
At least 2.6 to 1.....	9.5
At least 2.8 to 1.....	10.0

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services.

Incentive payments for non-AFDC collections have been controversial since the inception of the child support program, especially given the guarantee of an incentive payment equal to 6 percent of collections (table 9-3). Until fiscal year 1985, non-AFDC collections were not eligible for incentive payments at all. Congress adopted this policy because AFDC collections are retained and split between State and Federal Governments while all non-AFDC collections are paid to custodial parents.

In 1984 (effective in fiscal year 1985 and years thereafter), Congress extended incentive payments to non-AFDC collections. To limit Federal costs and to retain a substantial incentive for AFDC collections, non-AFDC incentive payments were capped as a percentage of AFDC incentive payments. The 1984 law (Public Law 98-378) stipulated that non-AFDC incentive payments were not to exceed AFDC incentive payments in fiscal years 1986 and 1987, were not to exceed 105 percent of AFDC incentive payments in 1988, and were not to exceed 110 percent in 1989. Since 1990, the 1984 law has allowed States to receive incentive payments in the non-AFDC Program of up to 115 percent of those in the AFDC Program.

Table 9-4 summarizes both child support income and expenditures for every State. The first three columns show State income from each of three funding streams just described; the fourth column shows State spending on child support. As demonstrated in the fifth column, the sum of the three streams of income exceeds expenditures in all but 13 States. In other words, most States make a profit on their child support program. States are free to spend this profit in any manner the State sees fit.

TABLE 9-4.--FINANCING OF THE FEDERAL/STATE CHILD SUPPORT ENFORCEMENT PRC

State	State income			Sta administ expendi (cos
	Federal administrative payments	State share of collections	Federal incentive payments	
Alabama.....	29,697	4,692	3,012	44
Alaska.....	7,866	5,954	2,504	11
Arizona.....	30,017	5,386	3,348	43
Arkansas.....	14,788	3,017	2,516	21
California.....	225,619	165,888	52,631	335
Colorado.....	21,940	11,715	4,627	31
Connecticut.....	22,500	18,262	5,426	33
Delaware.....	8,087	3,129	1,070	12
District of Columbia.....	9,124	2,314	1,063	12
Florida.....	63,043	32,296	13,712	94
Georgia.....	37,260	13,351	14,170	54
Guam.....	2,159	291	266	3
Hawaii.....	11,242	4,330	1,436	15
Idaho.....	9,512	2,528	1,790	13
Illinois.....	59,418	23,217	8,939	87
Indiana.....	18,241	15,601	10,733	25
Iowa.....	17,035	12,879	7,095	24
Kansas.....	20,600	8,752	3,591	29

Kentucky.....	23,636	8,626	5,285	34
Louisiana.....	23,732	5,319	3,755	34
Maine.....	8,156	6,476	4,614	12
Maryland.....	35,310	18,818	7,106	51
Massachusetts.....	51,335	32,492	10,656	74
Michigan.....	79,055	61,557	24,826	115
Minnesota.....	43,508	23,716	8,512	63
Mississippi.....	21,528	3,565	3,262	31
Missouri.....	38,045	17,891	8,034	54
Montana.....	4,926	1,479	977	7
Nebraska.....	12,515	3,064	1,453	17
Nevada.....	10,381	3,139	1,902	14
New Hampshire.....	7,588	3,822	1,268	11
New Jersey.....	69,507	36,937	12,014	104
New Mexico.....	11,493	3,098	1,967	15
New York.....	112,436	76,867	24,743	168
North Carolina.....	48,294	19,861	10,735	70
North Dakota.....	3,652	1,509	1,021	5
Ohio.....	92,904	36,273	15,440	138
Oklahoma.....	12,738	5,394	3,117	18
Oregon.....	18,331	9,565	5,520	26
Pennsylvania.....	68,544	43,899	17,078	100
Puerto Rico.....	10,986	180	599	14
Rhode Island.....	6,448	6,247	2,360	9
South Carolina.....	18,990	5,897	3,833	27
South Dakota.....	3,019	1,472	1,099	4
Tennessee.....	22,072	9,130	4,967	30
Texas.....	98,654	22,951	11,826	145
Utah.....	15,153	4,635	2,959	22
Vermont.....	4,627	2,431	1,029	6
Virgin Islands.....	1,058	71	68	1
Virginia.....	33,089	14,674	5,308	48
Washington.....	66,502	41,521	15,132	99
West Virginia.....	15,728	2,368	1,663	21
Wisconsin.....	33,121	22,863	12,484	49
Wyoming.....	5,449	1,279	777	7
Total.....	1,740,658	892,688	375,318	2,556

Note.--The "State net" column in this table is not the same as the comparable figures in the comparable reports of the Office of Child Support Enforcement (see for example, 1996, p. 7) because final Federal incentive payments are used in the annual reports while final Federal incentive payments are not used in the comparable table.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services.

The method of financing child support enforcement has received considerable attention in recent years. Perhaps the most important issue is that States have little incentive to control their administrative spending. The last column of table 9-4 presents a measure of State program efficiency obtained by dividing total collections by total administrative expenses. The table shows the dramatic differences among States in how much child support is collected for each dollar of administrative expenditure--a crude measure of efficiency--ranging from only \$1.78 in Arizona to \$8.58 in Pennsylvania. And yet, most States, including those that spend up to three or four times as much per dollar of collections as more efficient States, still make a profit on the program.

Table 9-5 shows one consequence of child support's

financing system. The first two columns of the table show the net impact of program financing on the Federal and State governments respectively. The Federal Government has lost money on child support every year since 1979, and the losses have grown every year since 1984. Overall, losses have jumped sharply from \$43 million in 1979 to \$1.257 billion in 1995.

State governments by contrast have made a profit on the program every year. In 1979, the first year for which data are available, States cleared \$244 million on child support. By 1995, States cleared \$431 million. As Federal losses have mounted, State profits have increased.

TABLE 9-5.--FEDERAL AND STATE SHARE OF CHILD SUPPORT "SAVINGS," FISCAL YEARS 1979-95
[In millions]

Fiscal year	Federal share of child support savings \1\	State share of child support savings	Net public savings \1\
1979.....	-\$43	\$244	\$201
1980.....	-103	230	127
1981.....	-128	261	133
1982.....	-148	307	159
1983.....	-138	312	174
1984.....	-105	366	260
1985.....	-231	317	86
1986.....	-264	274	9
1987.....	-337	342	5
1988.....	-355	381	26
1989.....	-480	403	-77
1990.....	-528	338	-190
1991.....	-586	385	-201
1992.....	-605	434	-170
1993.....	-740	462	-278
1994.....	-978	482	-496
1995.....	-1,257	431	-826

\1\ Negative "savings" are costs.

Source: Office of Child Support Enforcement, Annual Reports to Congress, 1994 and various years.

The last column in table 9-5 portrays an unfortunate historical progression in child support financing. Beginning in the very first year of the child support program and for a decade thereafter, the net impact of Federal losses and State profits was a net savings for taxpayers. Thus, in 1979, although the Federal Government lost money, State savings more than made up for the losses. As a result, from a public finance perspective, taxpayers were ahead by \$201 million (see last column). Total Federal and State child support expenditures, in other words, were more than offset by collections from parents whose children had been supported by AFDC payments. These AFDC collections were retained and used to reimburse the Federal and State governments for previous AFDC expenditures. The savings produced in this manner exceeded overall expenditures.

Unfortunately, net public savings declined over the years.

A major explanation for the negative public savings was that beginning in 1985, as explained above, new Federal legislation required States to give the first \$50 per month of collections in AFDC cases to the custodial parent. This \$50 passthrough had an immediate impact; in its first year, combined Federal-State savings fell to \$86 million from \$260 million the previous year. By 1989 the overall "savings" in the combined program went negative. For the first time that year, Federal losses exceeded State gains--by \$77 million. The net losses have increased almost every year, reaching \$826 million in 1995 (see table 9-5).

Reflecting on these numbers, two perspectives should be considered. One perspective, the finance perspective, attends simply to the measurable costs and benefits of the child support program. But a second, broader perspective includes more diffuse social benefits of child support that are difficult to measure.

From the public finance perspective, perhaps the most important question about child support financing is why the Federal Government, which loses money on the program every year, should provide such a high reimbursement level for State expenditures when nearly all States make a profit on their child support program. In the past, this issue has prompted Congress to reduce the basic administrative reimbursement rate on several occasions. As a result, the rate has declined from its original level of 75 percent to 66 percent. But some Members of Congress have suggested that, because most States are still making a profit while the Federal Government is losing money, Congress should reduce the Federal administrative reimbursement rate below 66 percent. Defenders of child support financing respond by pointing out that allowing States to profit from the program makes it very popular with State policymakers who control funding of the State share of expenditures. Without financing arrangements favorable to State interests, according to this view, the child support program would not have posted the impressive gains that have characterized the program since its inception in 1975.

The 66 percent Federal reimbursement of State administrative expenditures raises a second issue of program financing: Why is such a large percentage of State expenditures financed without regard to performance? Even if States spend a great deal of money on activities of dubious value in collecting child support, they can nonetheless count on 66 percent reimbursement from the Federal Government. The flat 66 percent reimbursement rate may provide States with an incentive to spend money inefficiently. A potential solution would be for the Federal Government to provide States with less money based on gross spending and relatively more money based on performance.

However, there is widespread criticism of the performance measures now used to determine the stream of Federal incentive payments. Critics of child support financing question whether incentives should be provided for non-AFDC collections. With regard to program financing, there is a striking difference between the AFDC and non-AFDC Programs; namely, government retains part of AFDC collections but non-AFDC collections are given entirely to the family. When Congress enacted the child support program in 1975, the floor debate shows that members of the House and Senate supported the program primarily because retaining AFDC collections would help offset AFDC expenditures.

But program trends since 1975 show that the non-AFDC Program is actually much bigger than the AFDC Program and grows faster each year than the AFDC Program. As shown in table 9-1 above, AFDC collections have grown from about \$0.5 billion in 1978 to \$2.7 billion in 1995, for a constant dollar growth by a factor of about five. But non-AFDC collections have grown from about \$0.6 billion to more than \$8 billion over the same period, for a growth factor of nearly 14.

The point here is that although AFDC collections are growing, non-AFDC collections are growing much faster. And since the State and Federal Governments receive virtually no direct reimbursement for non-AFDC expenditures, the child support program loses more and more money every year. Why, then, critics ask, should the Federal Government encourage greater expenditures by providing incentives for non-AFDC collections. Ignoring for the moment possible social benefits from the non-AFDC Program and based entirely on a public finance perspective, some critics argue that non-AFDC incentives encourage inefficiency.

Another issue raised about the current incentive system is that it does not necessarily base rewards on the best measure of performance. Just as the basic 66 percent reimbursement rate ignores efficiency by relying exclusively on expenditures, the incentive system ignores efficiency by relying exclusively on collections. A better measure of efficiency may be one that combines expenditures and collections in a single measure. If incentive payments were based on child support collections per dollar of administrative expenditure, States would have incentive to collect more money while holding down expenditures. An incentive system based just on expenditures or just on collections is at best half an incentive system.

A final issue of program financing is whether government should pay such a high percentage of costs in the non-AFDC Program. States must charge an application fee that can be no more than \$25 for the non-AFDC Program, but this amount doesn't even pay the full cost of opening a case file. In 1995, more than 2.4 million non-AFDC families received services resulting in child support collections that averaged around \$3,300 per case. By collecting this money, government is providing a useful service to millions of families, many of which are not poor. Rather than have taxpayers pick up the cost of this service, some critics argue that families receiving the services should pay more of the costs. Federal law allows States to charge additional fees, but few do so. States argue that, because many of the non-AFDC families are poor or low-income, charging them for child support services would decrease their already tenuous financial stability. States also argue that setting up an administrative system to establish and collect the fees would cost more money than the fees actually collected.

The account of child support from the finance perspective given above relies on measurable spending and collections. However, defenders of the current child support program argue that it may produce social benefits that are not captured by mere spending and collections data. These program defenders claim that a strong child support program produces "cost avoidance" by demonstrating to noncustodial parents who would try to avoid child support that the system will eventually catch up with them.

Although there is little evidence that would allow an

estimate of the cost avoidance effect, there is nonetheless good reason to believe that at least some noncustodial parents make child support payments in part because they fear detection and prosecution. Even more to the point, a strong child support program may change the way society thinks about child support. As in the cases of civil rights and smoking, a persistent effort over a period of years may convince millions of Americans, both those who owe child support and those concerned with the condition of single-parent families, that making payments is a moral and civic duty. Those who avoid it would then be subject to something even more potent than legal prosecution--social ostracism.

To the extent that this reasoning is correct, the public and policymakers may come to regard child support enforcement as a long-term investment similar in many respects to education, job training, and other policies that help families support their children. In each of these cases, there is expectation that society will be better off in the long run because the government invests in helping individuals and families. But the expectation that investments will lead to immediate payoffs, or even that we can devise evaluation methods that adequately capture the long-term payoffs, is much less than the expectation of immediate and measurable payoffs that characterizes the kind of public finance reasoning outlined above. Of course, even if the public is willing to continue paying for child support enforcement as a social investment, Congress and child support administrators may nonetheless find it desirable to intensify their efforts to make the program as efficient as possible.

HOW EFFECTIVE IS CHILD SUPPORT ENFORCEMENT?

Since the inception of the Federal-State child support program in 1975, there appears to have been growing public awareness of the problem of nonpayment of child support and increased willingness by taxpayers to spend money trying to improve child support enforcement. As measured either by expenditures or total collections, the Federal-State program has grown about tenfold since 1978. To the extent that private arrangements fail to ensure child support payments, our laws and, increasingly, our practices bring child support cases into the public domain. In view of these quite remarkable changes in law and practice, it seems useful to provide a broad assessment of the performance of the Nation's child support system in general and of the IV-D program in particular.

Impact on Taxpayers

One useful measure of the Federal-State program is the impact of collections on AFDC costs. As outlined above, States retain and split with the Federal Government collections from parents whose children are on AFDC. In addition, States can often retain part of collections from parents whose children were on AFDC in the past as repayment for taxpayer-provided AFDC benefits.

As shown in table 9-1 above, AFDC collections have in fact been rising every year since 1978, growing from less than \$0.5 billion in that year to nearly \$2.7 billion in 1995. Equally important, the child support agencies collected a level of payments on behalf of AFDC parents that equalled 13.6 percent

of all AFDC benefits in 1995. This figure, which has been rising every year since 1980, seems especially impressive in view of the fact that even if States could collect all of the child support due, it would not be possible for some States to recover 100 percent of AFDC benefits because AFDC benefit payments usually exceed child support award levels.

Of course, it will be recalled that despite this impressive rise in AFDC collections and cost offset, the overall impact of the child support program on taxpayers is negative. As shown in table 9-5, taxpayers lost over \$0.8 billion on the program in 1995 and the loss has increased every year since 1988. Even so, the rise of AFDC collections and cost offset ratios suggest that with reform, the child support program could become more efficient.

Impact on Poverty

Another good measure of child support performance is the impact of collections on poverty. In 1991, 1.26 million (24 percent) of the 5.3 million women and men rearing children alone who were supposed to receive child support payments had incomes below the poverty level. If full payment had been made to these custodial parents and if none of these families had received welfare payments, only 140,000 of them would have received enough income from child support payments to put them above the poverty level (U.S. Bureau of the Census, 1995, pp. 7 & 26). Thus, the potential of child support to greatly reduce poverty appears to be modest. Of course, if the child support program could obtain orders and collect support for a substantial fraction of the additional 5.3 million single parents who don't even have an award, the antipoverty impact of child support could be increased somewhat.

Despite the modest impact of child support on poverty, many families on welfare have received enough of a financial boost from child support payments that they were able to leave the rolls. In 1994, 269,000 families with child support collections, representing about 5 percent of the caseload, became ineligible for AFDC. Similarly, about 3 percent of families in the non-AFDC child support program were lifted out of poverty by child support payments. This 3 percent figure is more impressive than it appears at first because a substantial fraction of the non-AFDC caseload had incomes above the poverty level before receiving any child support payments. For a number of these nonpoor families, incomes and standards of living were improved by child support payments. Presumably, even poor families that received child support but remained in poverty had their standard of living improved by the child support payments.

Impact on National Child Support Payments

Perhaps the most important measure of the Federal-State program is its impact on overall national rates of paying child support. Although the original intent of Congress in creating the child support program was primarily to offset welfare payments, both Congress and the American public have come to see the program as a means of improving the Nation's system of ensuring that parents who no longer live with their children continue to provide for their financial support. An examination of whether the IV-D program has had an impact on national child

support payments must begin with an assessment of the record of noncustodial parents in paying child support.

The U.S. Census Bureau periodically collects national survey information on child support. By interviewing a random sample of single-parent families, the Census Bureau is able to generate a host of numbers that can be used to assess the performance of noncustodial parents in paying child support. Table 9-6 provides detailed information for 1991, the most recent year for which national data are available, on child support payments by fathers to families headed by mothers. Although the 1991 survey was the first to include custodial fathers, the following discussion is focused solely on custodial mothers. Several points bear emphasis, the most important of which is that many female-headed families do not receive child support. As shown in the top line of table 9-6, of the 9.9 million female-headed families eligible for support, only 56 percent even had a support award. Most observers would say that a major failure of the Nation's child support system is that entirely too many mothers do not have a child support award.

Of the 4.9 million mothers who do have an award and who were supposed to receive payments in 1991, about three-quarters actually received at least one payment. However, as shown in tables appended to this chapter, only about half of those due money actually received everything that was due. So in addition to its failure to get orders for a near majority of mothers, critics assert that a second failure of the child support system is that a large proportion of the money owed is not paid.

Table 9-6, which also summarizes child support information by ethnic group, by years of schooling, and by poverty level, suggests a number of interesting and important features of child support payments. White mothers have almost twice as high a probability of having a support order as black and Hispanic mothers (64 percent versus about 36 percent). Similarly, mothers with a college degree have nearly a 75 percent chance of having an order as compared with less than 35 percent for high school dropouts and less than 60 percent for high school graduates. As for payments, white mothers receive nearly \$3,200 per year on average as compared with around only \$2,100 for black mothers and \$2,200 for Hispanic mothers. College graduates receive almost \$4,900 per year in support as compared with \$1,700 and \$2,600 for high school dropouts and graduates respectively.

Clearly, mothers who are already financially worse off get less from child support than mothers who are financially better off. This generalization is made especially clear by two further pieces of information depicted in the table. First, never-married mothers, one of the poorest demographic groups in the Nation, are only about one-third as likely to have an award as divorced mothers (27 percent versus 73 percent); even never-married mothers who actually receive support get less than half as much as divorced mothers (\$1,500 versus \$3,600). Second, as shown by the data at the bottom of the table, poor mothers are less likely to have orders and receive less money than nonpoor mothers. Table 9-7 shows similar data for the award of health insurance. While demonstrating that only about 40 percent of all mothers have health insurance included in their award, the table also shows that the probability of health insurance coverage is greatly reduced for never-married women, black and

Hispanic women, and women with less schooling.

TABLE 9-6.--CHILD SUPPORT PAYMENTS AWARDED AND RECEIVED BY WOMEN WITH CHILD CHARACTERISTICS, 1991

Characteristics of women	Total (thousands)	Percent awarded child support payments \1\	Suppos Total (thousar
ALL WOMEN			
Total.....	9,918	55.9	4,88
Current marital status			
Married \2\.....	2,707	69.7	1,67
Divorced.....	3,052	72.8	2,02
Separated.....	1,514	46.4	56
Widowed \3\.....	80	48.8	3
Never married.....	2,565	27.0	58
Race and Hispanic origin			
White.....	6,966	64.0	3,97
Black.....	2,698	35.5	79
Hispanic origin \4\.....	1,043	35.3	32
Years of school completed			
Less than 12 years.....	2,272	33.5	64
High school: 4 years.....	4,092	57.8	2,12
College:			
Some college, no degree.....	1,931	64.4	1,11
Associate degree.....	649	70.9	40
Bachelors degree or more.....	974	73.2	59
WOMEN BELOW POVERTY			
Total.....	3,513	38.9	1,20
Current marital status			
Married \2\.....	338	55.3	16
Divorced.....	877	55.4	44
Separated.....	836	39.2	26
Widowed.....	14	(B)	
Never married \3\.....	1,449	24.8	31
Race			
White.....	1,979	45.3	80
Black.....	1,433	30.2	36
Hispanic origin \4\.....	563	24.9	12

- \1\ Award status as of spring 1991.
- \2\ Remarried women whose previous marriage ended in divorce.
- \3\ Widowed women whose previous marriage ended in divorce.
- \4\ Persons of Hispanic origin may be of any race.

Note.--Women with own children under 21 years of age present from an absent father less than 75,000.

Source: U.S. Bureau of the Census, 1995.

TABLE 9-7.--CHILD SUPPORT AWARD STATUS AND INCLUSION OF HEALTH INSURANCE IN AWARD OF WOMEN, 1991

Characteristic	Total (thousands)
A	

Total.....	9,918
Current marital status \1\	
Remarried \2\.....	2,707
Divorced.....	3,052
Separated.....	1,514
Never married.....	2,565
Race and Hispanic origin	
White.....	6,966
Black.....	2,698
Hispanic \3\.....	1,043
Age	
15 to 17 years.....	88
18 to 29 years.....	3,022
30 to 39 years.....	4,379
40 years and over.....	2,429
Years of school completed	
Less than 12 years.....	2,272
High school: 4 years.....	4,092
College:	
Some college, no degree.....	1,931
Associate degree.....	649
Bachelors degree or more.....	974
Number of own children present from an absent father	
One child.....	5,090
Two children.....	3,085
Three children.....	1,166
Four children or more.....	577

- \1\ Excludes a small number of current widowed women whose previous marriage ended
- \2\ Remarried women whose previous marriage ended in divorce.
- \3\ Persons of Hispanic origin may be of any race.

Note.--Women 15 years and older with own children under 21 years of age present in 1992.

Source: U.S. Bureau of the Census, 1995.

Table 9-8, which summarizes several child support measures for selected years between 1978 and 1991, complements and extends the conclusions drawn from the 1991 data. \4\ More specifically, the pattern of poor women being less likely to have an order and receive support is nothing new; the years since 1978 show no change in this pattern. In part because a higher proportion of female-headed families are never-married, the percentage of mothers with an award is lower now than in 1978, the percentage that actually receive any payment or full payment is only slightly higher, and the aggregate payments have grown less rapidly than the number of demographically eligible mothers.

\4\ The Census Bureau changed its interview procedures before obtaining the 1991 data. Specifically, Census asked whether adults had any children under age 21 in their household who had a parent living elsewhere. This question may have excluded some mothers who would have answered the child support questions in previous surveys. In the interviews for the years 1978 through 1989, all never-married mothers were asked the child support questions. Because of this and other differences in procedure, the Census Bureau recommends "extreme caution" (U.S. Bureau of the Census, 1995, p. 40) in comparing data from the 1992 interview with data from previous interviews. We present the data from all the surveys and recommend that readers draw their own conclusions.

TABLE 9-8.--CHILD SUPPORT PAYMENTS FOR ALL WOMEN, WOMEN ABOVE THE POVERTY LEVEL, SELECTED YEARS 1978-91

	1978	1981	1983
All women:			
Total (in thousands).....	7,094	8,387	8,690
Percent awarded \1\.....	59.1	59.2	57.7
Percent actually received payment.....	34.6	34.6	34.9
Percent received full payment.....	23.6	22.5	23.2
Women above poverty level:			
Total (in thousands).....	5,121	5,821	5,792
Percent awarded \1\.....	67.3	67.9	65.3
Percent actually received payment.....	41.1	41.4	42.6
Women below poverty level:			
Total (in thousands).....	1,973	2,566	2,898
Percent awarded \1\.....	38.1	39.7	42.5
Percent actually received payment.....	17.8	19.3	19.6
Aggregate payment (in billions of dollars): \2\			
Child support due.....	13.8	15.0	13.7
Child support received.....	8.9	9.2	9.7
Aggregate child support deficit.....	4.9	5.8	4.1

\1\ Award status as of spring 1979, 1982, 1984, 1986, 1988, and 1990.

\2\ In 1991 dollars.

Note.--Payments for women with own children under age 21.

Source: U.S. Bureau of the Census (1981, 1983, 1985, 1987, 1990, 1991, 1995).

In summary, it appears that the performance of the Nation's child support system is modest and that few if any of the measures of national performance have improved in nearly two decades. By contrast, as shown at the beginning of this chapter (see table 9-1), the Federal-State child support program has shown improved performance on a number of important measures virtually every year since 1978. To promote comparison of performance changes in the IV-D program with overall national trends in child support performance, table 9-9 summarizes several measures from both the IV-D program as revealed in reports from the Federal Office of Child Support Enforcement and the national system of child support as revealed in U.S. Census Bureau Surveys. The data are surprising and, at first, confusing. As shown in the top panel, the Federal-State program is showing impressive improvement on every measure. Total collections, parents located, paternities established, and awards established are all up by over 200 percent since 1978.

By contrast, the measures of overall national trends show little improvement. In fact, both the likelihood of having an award and of being legally entitled to a payment have actually declined slightly. The percentage of those with an award who received at least one payment has been stagnant. The percentage of mothers who received the full amount due has increased, but only marginally, from 49 to 52 percent. On the other hand, total collections increased by about 33 percent. This increase, however, is dwarfed by the 245 percent increase in IV-D collections. The increase must also be interpreted in view of the fact that the number of single mothers demographically eligible for child support increased by nearly 40 percent over the same period.

Clearly, although the IV-D program has been growing steadily since 1978, and although its performance on many measures of child support has been improving, the improvement appears to have had only modest impact on the national picture. How can these two trends be reconciled?

The last panel of table 9-9 suggests an answer. This panel shows collections by the Federal-State program as a percentage of overall national child support payments. In 1978, less than one-fourth of child support payments were collected through the IV-D program. This percentage, however, has increased every year since 1978. By 1991, more than 60 percent of all child support payments were made through the IV-D program. The implication of this trend is that the IV-D program may be recruiting more and more cases from the private sector, bringing them into the public sector, providing them with subsidized services (or substituting Federal spending for State spending), but not greatly improving child support collections. Whatever the explanation, it seems that improved effectiveness of the IV-D program has not led to significant improvement of the Nation's child support performance.

The data in table 9-9 suffer from a potentially important flaw. Given that Congress passed major child support legislation in 1988, and that many authorities believe it took 3 or 4 years for the full impact of the legislation to become

apparent, the 1991 Census data may not capture the full effects of the innovative reforms enacted in 1988.

Two additional statistics must be considered in any general assessment of national child support payments. First, according to Sorensen (1994), noncustodial parents owe over \$30 billion in overdue child support. Some perspective on the magnitude of this figure is provided by recalling that the entire Federal outlay on the Aid to Families with Dependent Children Program in 1995 was about \$15 billion.

TABLE 9-9.--COMPARISON OF MEASURES OF IV-D EFFECTIVENESS WITH CENSUS S

Measure	Year				
	1978	1981	1983	1985	1
Federal-State IV-D Program					
Total collections (1991 dollars, in billions) \2\....	2.2	2.4	2.7	3.4	
Parents located (thousands).....	454	696	831	878	1
Paternities established (thousands).....	111	164	208	232	
Awards established (thousands).....	315	414	496	669	
National Trends					
Total collections (1991 dollars, in billions) \2\....	9.8	9.0	9.7	9.1	
Of demographically eligible:					
Percent with awards.....	59	59	58	61	
Percent supposed to receive payment.....	48	48	46	50	
Percent who received some payment.....	35	35	35	37	
Of mothers supposed to receive payment, percent who received full amount.....	49	47	50	48	
IV-D Collections as a Percentage of National Collecti					
IV-D collections as a percent of total collections...	24	27	29	37	

- \1\ The Census Bureau collected data on custodial fathers for the first time for custodial mothers is included here.
- \2\ Constant 1991 dollars using the consumer price index.
- \3\ Fiscal year 1990 data. The definition of support orders established changed i

Note.--Demographically eligible means women with own children under 21 years of a absent father.

Sources: Office of Child Support Enforcement, Annual Reports to Congress, 1994 an the Census (1981, 1983, 1985, 1987, 1990, 1991, 1995).

But many critics of the child support system contend that this figure on arrearages, which is based on child support orders currently in place, is actually an underestimate of the shortcomings of the Nation's child support system. These critics hold that too few noncustodial parents have orders, that the amount of orders is too low, and that not enough of the amount owed is actually paid. Considerations of this sort have led to several studies of what might be called "child support collections potential"--the amount that could be collected by a perfectly efficient child support system.

The most recent of these studies, conducted by researchers

at the Urban Institute (Sorensen, 1995), produced the estimate that \$47 billion could be collected in child support each year. The assumptions underlying this estimate are that all custodial parents had an order, that payments averaged \$5,400 per year, and that the full amount of every order was actually paid. Of course, no one expects any program to be perfectly efficient. Even so, comparing the \$47 billion that could be generated by a perfect system with the actual payments of around \$14 billion in 1994 provides a useful index of how far we need to go as a Nation if we are to provide custodial parents and children with the measure of financial security that is the major goal of our child support system.

LEGISLATIVE HISTORY

1950

The first Federal child support enforcement legislation was Public Law 81-734, the Social Security Act amendments of 1950, which added Section 402(a)(11) to the Social Security Act (42 USC 602(a)(11)). The legislation required State welfare agencies to notify appropriate law enforcement officials upon providing Aid to Families with Dependent Children (AFDC) to a child who was abandoned or deserted by a parent.

Also that year, the National Conference of Commissioners on Uniform State Laws and the American Bar Association approved the Uniform Reciprocal Enforcement of Support Act (subsequent amendments to this Act were approved in 1952, 1958, and 1968).

1965

Public Law 89-97, the Social Security amendments of 1965, allowed a State or local welfare agency to obtain from the Secretary of Health, Education, and Welfare the address and place of employment of an absent parent who owed child support under a court order for support.

1967

Public Law 90-248, the Social Security amendments of 1967, allowed States to obtain from the Internal Revenue Service (IRS) the address of nonresident parents who owed child support under a court order for support. In addition, each State was required to establish a single organizational unit to establish paternity and collect child support for deserted children receiving AFDC. States were also required to work cooperatively with each other under child support reciprocity agreements and with courts and law enforcement officials.

1975

Public Law 93-647, the Social Security amendments of 1974, created Part D of Title IV of the Social Security Act (Sections 451, et seq.; 42 USC 651, et seq.). The key child support enforcement provisions, which reflect 3 years of intense Congressional attention, are as follows: The Secretary of the Department of Health, Education, and Welfare (now the Department of Health and Human Services or HHS) has primary responsibility for the Program and is required to establish a separate organizational unit to operate the program.

Operational responsibilities include: (1) establishing a parent locator service; (2) establishing standards for State program organization, staffing, and operation; (3) reviewing and approving State plans for the program; (4) evaluating State program operations by conducting audits of each State's program; (5) certifying cases for referral to the Federal courts to enforce support obligations; (6) certifying cases for referral to the IRS for support collections; (7) providing technical assistance to States and assisting them with reporting procedures; (8) maintaining records of program operations, expenditures, and collections; and (9) submitting an annual report to the Congress.

Primary responsibility for operating the Child Support Enforcement Program was placed on the States pursuant to the State plan. The major requirements of a State plan are that: (1) the State designate a single and separate organizational unit to administer the program; (2) the State undertake to establish paternity and secure support for individuals receiving AFDC and others who apply directly for child support enforcement services; (3) child support payments be made to the State for distribution; (4) the State enter into cooperative agreements with appropriate courts and law enforcement officials; (5) the State establish a State parent locator service that uses State and local parent location resources and the Federal Parent Locator Service; (6) the State cooperate with any other State in locating an absent parent, establishing paternity, and securing support; and (7) the State maintain a full record of collections and disbursements made under the plan.

In addition, the 1975 legislation established procedures for the distribution of child support collections received on behalf of families on AFDC, created an incentive system to encourage States to collect payments from parents of children on AFDC, and subjected moneys due and payable to Federal employees to garnishment for the collection of child support.

New eligibility requirements were added to the AFDC Program requiring applicants for, or recipients of, AFDC to make an assignment of support rights to the State, to cooperate with the State in establishing paternity and securing support, and to furnish their Social Security number to the State. The effective date of Public Law 93-647 was July 1, 1975, except for the provision regarding garnishment of Federal employees, which was effective upon enactment. However, several problems were identified prior to the effective date and Congress passed Public Law 94-46 to extend the effective date to August 1, 1975. In addition, Public Law 94-88 was passed in August 1975 to allow States to obtain waivers from certain program requirements under certain conditions until June 30, 1976 and to receive Federal reimbursement at a reduced rate. This law also eased the requirement for AFDC recipients to cooperate with State child support agencies when such cooperation would not be in the best interests of the child and provided for supplemental payments to AFDC recipients whose grants would be reduced due to the implementation of the Child Support Enforcement Program.

1976

Public Law 94-566, effective October 20, 1976, required State employment agencies to provide absent parents' addresses

to State child support enforcement agencies.

1977

Public Law 95-30, effective May 23, 1977, made several amendments to Title IV-D. Provisions relating to the garnishment of a Federal employee's wages for child support were amended to: (1) include employees of the District of Columbia; (2) specify the conditions and procedures to be followed to serve garnishments on Federal agencies; (3) authorize the issuance of garnishment regulations by the three branches of the Federal Government and by the District; and (4) clarify several terms used in the statute. Public Law 95-30 also amended section 454 of the Social Security Act (42 USC 654) to require the State plan to provide bonding for employees who receive, handle, or disburse cash and to insure that the accounting and collection functions are performed by different individuals. In addition, the incentive payment provision, under section 458(a) of the Social Security Act (42 USC 658(a)), was amended to change the rate to 15 percent of AFDC collections (from 25 percent for the first 12 months and 10 percent thereafter).

Public Law 95-142, the Medicare-Medicaid Antifraud and Abuse amendments of 1977, established a medical support enforcement program under which States could require Medicaid applicants to assign to the State their rights to medical support. State Medicaid agencies were allowed to enter into cooperative agreements with any appropriate agency of any State, including the IV-D agency, for assistance with the enforcement and collection of medical support obligations. Incentives were also made available to localities making child support collections for States and for States securing collections on behalf of other States.

1978

Public Law 95-598, the Bankruptcy Reform Act of 1978, repealed section 456(b) of the Social Security Act (42 USC 656(b)), which had barred the discharge in bankruptcy of assigned child support debts. (This section of the Act (now 546(h)) was restored by Public Law 97-35 in 1981.)

1980

Public Law 96-178 extended Federal Financial Participation (FFP) for non-AFDC services to March 31, 1980, retroactive to October 1, 1978.

Public Law 96-265, the Social Security Disability amendments of 1980, increased Federal matching funds to 90 percent, effective July 1, 1981, for the costs of developing, implementing, and enhancing approved automated child support management information systems. Federal matching funds were also made available for child support enforcement duties performed by certain court personnel. In another provision, the law authorized IRS to collect child support arrearages on behalf of non-AFDC families. Finally, the law provided State and local IV-D agencies access to wage information held by the Social Security Administration and State employment security agencies for use in establishing and enforcing child support obligations.

Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, contained four amendments to Title IV-D of the Social Security Act. First, the law made FFP for non-AFDC services available on a permanent basis. Second, it allowed States to receive incentive payments on all AFDC collections as well as interstate collections. Third, as of October 1, 1979, States were required to claim reimbursement for expenditures within 2 years, with some exceptions. The fourth change postponed until October, 1980 the imposition of the 5 percent penalty on AFDC reimbursement for States not having effective Child Support Enforcement Programs.

1981

Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, amended IV-D in five ways. First, IRS was authorized to withhold all or part of certain individuals' Federal income tax refunds for collection of delinquent child support obligations. Second, IV-D agencies were required to collect spousal support for AFDC families. Third, for non-AFDC cases, IV-D agencies were required to collect fees from absent parents who were delinquent in their child support payments. Fourth, child support obligations assigned to the State no longer were dischargeable in bankruptcy proceedings. Fifth, States were required to withhold a portion of unemployment benefits from absent parents delinquent in their support payments.

1982

Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, included the following provisions, affecting the IV-D program: FFP was reduced from 75 to 70 percent, effective October 1, 1982; incentives were reduced from 15 to 12 percent, effective October 1, 1983; the provision for reimbursement of costs of certain court personnel that exceed the amount of funds spent by a State on similar court expenses during calendar year 1978 was repealed; the mandatory non-AFDC collection fee imposed by Public Law 97-35 was repealed, retroactive to August 13, 1981, and States were given the option of recovering costs by imposing fees on non-AFDC parents; States were allowed to collect spousal support in certain non-AFDC cases; as of October 1, 1982, members of the uniformed services on active duty were required to make allotments from their pay when support arrearages reached the equivalent of a 2-month delinquency; beginning October 1, 1982, States were allowed to reimburse themselves for AFDC grants paid to families for the first month in which the collection of child support is sufficient to make a family ineligible for AFDC.

Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982, provided for the disclosure of information obtained under authority of the Food Stamp Act of 1977 to various programs, including State child support enforcement agencies.

Public Law 97-252, the Uniformed Services Former Spouses' Protection Act, authorized treatment of military retirement or retainer pay as property to be divided by State courts in connection with divorce, dissolution, annulment, or legal separation proceedings.

1984

Public Law 98-378, the Child Support Enforcement amendments of 1984, featured provisions that required improvements in State and local Child Support Enforcement Programs in four major areas:

Mandatory enforcement practices

All States must enact statutes to improve enforcement mechanisms, including: (1) mandatory income withholding procedures; (2) expedited processes for establishing and enforcing support orders; (3) State income tax refund interceptions; (4) liens against real and personal property, security or bonds to assure compliance with support obligations; and (5) reports of support delinquency information to consumer reporting agencies. State law must allow for the bringing of paternity actions any time prior to a child's 18th birthday and all support orders issued or modified after October 1, 1985, must include a provision for wage withholding. Federal financial participation and audit provisions

To encourage greater reliance on performance-based incentives, Federal matching funds were reduced by 2 percent in 1988 (to 68 percent) and another 2 percent in 1990 (to 66 percent). Federal matching funds at 90 percent were made available for the development and installation of automated systems, including computer hardware purchases, to facilitate income withholding and other newly required procedures. State incentive payments were reset at 6 percent for both AFDC and non-AFDC collections. These percentages could rise as high as 10 percent for each category for cost-effective States, but a State's non-AFDC incentive payments could not exceed its AFDC incentives. States were required to pass incentives through to local child support enforcement agencies if these agencies had accumulated child support enforcement costs. Annual State audits were replaced with audits conducted at least once every 3 years. The focus of the audits was altered to evaluate a State's effectiveness on the basis of program performance as well as operational compliance. Penalties for noncompliance are from 1 to 5 percent of the Federal share of the State's AFDC funds. The Federal Government may suspend imposition of a penalty based on a State's filing of, and complying with, an acceptable corrective action plan.

Improved interstate enforcement

States were required to apply a host of enforcement techniques to interstate cases as well as intrastate cases. Both States involved in an interstate case may take credit for the collection when reporting total collections for the purpose of calculating incentives. Special demonstration grants were authorized beginning in 1985 to fund innovative methods of interstate enforcement and collection. Federal audits were focused on States' effectiveness in establishing and enforcing obligations across State lines.

Equal services for welfare and non-AFDC families

Several specific requirements were directed at improving State services to non-AFDC families. All of the mandatory practices must be made available for both classes of cases; the interception of Federal income tax refunds was extended to non-AFDC cases; incentive payments for non-AFDC cases became available for the first time; States were required to continue child support services to families terminated from the welfare rolls without charging an application fee; and States were required to publicize the availability of support enforcement

services for non-AFDC parents.

Other provisions

States were required to: (1) collect support in certain foster care cases; (2) collect spousal support in addition to child support where both are due in a case; (3) notify AFDC recipients, at least yearly, of the collections made in their behalf; (4) establish State commissions to study the operation of the State's child support system and report findings to the State's Governor; (5) formulate guidelines for determining appropriate child support obligation amounts and distribute the guidelines to judges and other individuals who possess authority to establish obligation amounts; (6) offset the costs of the program by charging various fees to non-AFDC families and to delinquent nonresident parents; (7) allow families whose AFDC eligibility is terminated as a result of the payment of child support to remain eligible to receive Medicaid for 4 months (sunsets on October 1, 1988); and (8) establish medical support orders in addition to monetary awards. The Federal Parent Locator Service was made more accessible and effective in locating absent parents. Sunset provisions were included in the extension of Medicaid eligibility and Federal tax offsets for non-AFDC families.

Public Law 98-369, the Tax Reform Act of 1984, included two tax provisions pertaining to alimony and child support. Under prior law, alimony was deductible by the payor and includable in the income of the payee. The 1984 law revised the rules relating to the definition of alimony. Generally, only cash payments that terminate on the death of the payee spouse qualify as alimony. Alimony payments, if in excess of \$10,000 per year, generally must be payable for at least 6 years and must not decline by more than \$10,000. The prior law requirement that the payment be based on a legal support obligation was repealed and payors were required to furnish to the IRS the Social Security number of the payee spouse. A \$50 penalty for failure to do so was imposed. The provision was effective for divorce or separation agreements or orders executed after 1984. The 1984 law also provided that the \$1,000 dependency exemption for a child of divorced or separated parents be allocated to the custodial parent unless the custodial parent signs a written declaration that she will not claim the exemption for the year. For purposes of computing the medical expense deduction for years after 1984, each parent may claim the medical expenses that he or she pays for the child.

1986

Public Law 99-509, the Omnibus Budget Reconciliation Act of 1986, included one child support enforcement amendment prohibiting the retroactive modification of child support awards. Under this new requirement, State laws must provide for either parent to apply for modification of an existing order with notice provided to the other parent. No modification is permitted before the date of this notification.

1987

Public Law 100-203, the Omnibus Budget Reconciliation Act of 1987, required States to provide child support enforcement services to all families with an absent parent who receives Medicaid and have assigned their support rights to the State,

regardless of whether they are receiving AFDC.

1988

Public Law 100-485, the Family Support Act of 1988, emphasized the duties of parents to work and support their children and, in particular, emphasized child support enforcement as the first line of defense against welfare dependence. The key child support provisions include:
Guidelines for child support awards

Judges and other officials are required to use State guidelines for child support unless they rebut the guidelines by a written finding that applying them would be unjust or inappropriate in a particular case. States must review guidelines for awards every four years. Beginning 5 years after enactment, States generally must review and adjust individual case awards every 3 years for AFDC cases. The same applies to other IV-D cases, except review and adjustment must be at the request of a parent.

Establishment of paternity

States are required to meet Federal standards for the establishment of paternity. The primary standard relates to the percentage obtained by dividing the number of children in the State who are born out of wedlock, are receiving cash benefits or IV-D child support services, and for whom paternity has been established by the number of children who are born out of wedlock and are receiving cash benefits or IV-D child support services. To meet Federal requirements, this percentage in a State must: (1) be at least 50 percent; (2) be at least equal to the average for all States; or (3) have increased by 3 percentage points from fiscal years 1988 to 1991 and by 3 percentage points each year thereafter. States are mandated to require all parties in a contested paternity case to take a genetic test upon request of any party. The Federal matching rate for laboratory testing to establish paternity is set at 90 percent.

Disregard of child support

The child support enforcement disregard authorized under the Deficit Reduction Act of 1984 is clarified so that it applies to a payment made by the noncustodial parent in the month it was due even though it was received in a subsequent month.

Requirement for prompt State response

The Secretary of HHS was required to set time limits within which States must accept and respond to requests for assistance in establishing and enforcing support orders as well as time limits within which child support payments collected by the State IV-D agency must be distributed to the families to whom they are owed.

Requirement for automated tracking and monitoring system

Every State that does not have a statewide automated tracking and monitoring system in effect must submit an advance planning document that meets Federal requirements by October 1, 1991. The Secretary must approve each document within 9 months after submission. By October 1, 1995, every State must have an approved system in effect. States were awarded 90 percent Federal matching rates for this activity until September 30, 1995.

Interstate enforcement

A Commission on Interstate Child Support was created to

hold national conferences on interstate child support enforcement reform and to report to Congress no later than October 1, 1990 on recommendations for improvements in the system and revisions in the Uniform Reciprocal Enforcement of Support Act.

Computing incentive payments

Amounts spent by States for interstate demonstration projects are excluded from calculating the amount of the States' incentive payments.

Use of INTERNET system

The Secretaries of Labor and HHS are required to enter into an agreement to give the Federal Parent Locator Service prompt access to wage and unemployment compensation claims information useful in locating absent parents.

Wage withholding

With respect to IV-D cases, each State must provide for immediate wage withholding in the case of orders that are issued or modified on or after the first day of the 25th month beginning after the date of enactment unless: (1) one of the parties demonstrates, and the court finds, that there is good cause not to require such withholding; or (2) there is a written agreement between both parties providing for an alternative arrangement. Prior law requirements for mandatory wage withholding in cases where payments are in arrears apply to orders that are not subject to immediate wage withholding. States are required to provide for immediate wage withholding for all support orders initially issued on or after January 1, 1994, regardless of whether a parent has applied for IV-D services.

Work and training demonstration programs for noncustodial parents

The Secretary of HHS is required to grant waivers to up to five States to allow them to provide services to noncustodial parents under the JOBS Program. No new power is granted to the States to require participation by noncustodial parents.

Data collection and reporting

The Secretary of HHS is required to collect and maintain State-by-State statistics on paternity establishment, location of absent parent for the purpose of establishing a support obligation, enforcement of a child support obligation, and location of absent parents for the purpose of enforcing or modifying an established obligation.

Use of Social Security number

Each State must, in the administration of any law involving the issuance of a birth certificate, require each parent to furnish his or her Social Security number (SSN), unless the State finds good cause for not requiring the parent to furnish it. The SSN shall appear in the birth record but not on the birth certificate, and the use of the SSN obtained through the birth record is restricted to child support enforcement purposes, except under certain circumstances.

Notification of support collected

Each State is required to inform families receiving AFDC of the amount of support collected on their behalf on a monthly basis, rather than annually as provided under prior law. States may provide quarterly notification if the Secretary of HHS determines that monthly reporting imposes an unreasonable administrative burden. This provision is effective 4 years after the date of enactment. The Medicaid transition benefit in child support cases is extended from October 1, 1988 to October 1, 1989.

1989

Public Law 101-239, the Omnibus Budget Reconciliation Act of 1989, made permanent the requirement that Medicaid benefits continue for 4 months after a family loses AFDC eligibility as a result of collection of child support payments.

1990

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, permanently extended the Federal provision that allows States to ask the IRS to collect child support arrearages of at least \$500 out of income tax refunds otherwise due to noncustodial parents. The minor child restriction is eliminated for adults with a current support order who are disabled, as defined under OASDI or SSI. The IRS offset can be used for spousal support when spousal and child support are included in the same support order. The life of the Interstate Child Support Commission was extended from July 1, 1991 to July 1, 1992, and the Commission was required to submit its report no later than May 1, 1992. The Commission was allowed to hire its own staff.

1992

Public Law 102-521, the Child Support Recovery Act of 1992, imposed a Federal criminal penalty for the willful failure to pay a past due child support obligation with respect to a child who resides in another State that has remained unpaid for longer than a year or is greater than \$5,000. For the first conviction the penalty is a fine of up to \$5,000, imprisonment for not more than 6 months, or both; for a second conviction, the penalty is a fine of not more than \$250,000, imprisonment for up to 2 years, or both.

Public Law 102-537, the Ted Weiss Child Support Enforcement Act of 1992, amended the Fair Credit Reporting Act to require consumer credit reporting agencies to include in any consumer report information on child support delinquencies provided by or verified by State or local child support agencies, which antedates the report by 7 years.

1993

Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993, increased the percentage of children, from 50 to 75, for whom the State must establish paternity and required States to adopt laws requiring civil procedures to voluntarily acknowledge paternity (including hospital-based programs). The Act also required States to adopt laws to ensure the compliance of health insurers and employers in carrying out court or administrative orders for medical child support and included a provision that forbids health insurers to deny coverage to children who are not living with the covered individual or who were born outside marriage.

1994

Public Law 103-383, the Full Faith and Credit for Child Support Orders Act, requires each State to enforce, according

to its terms, a child support order by a court (or administrative authority) of another State, with conditions and specifications for resolving issues of jurisdiction.

Public Law 103-394, the Bankruptcy Reform Act of 1994, stipulates that a filing of bankruptcy does not stay a paternity, child support, or alimony proceeding. In addition, child support and alimony payments are made priority claims and custodial parents are able to appear in bankruptcy court to protect their interests without paying a fee or meeting any local rules for attorney appearances.

Public Law 103-403, the Small Business Administration amendments of 1994, makes parents who fail to pay child support ineligible for small business loans.

Public Law 103-432, the Social Security Act amendments of 1994, includes a provision that requires States to implement procedures that require the State to periodically report to consumer reporting agencies the name of debtor parents owing at least 2 months of overdue child support, and the amount of child support overdue.

1995

Public Law 104-35 extends for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of their Child Support Enforcement Program (from October 1, 1995, to October 1, 1997). The 90 percent Federal funding was not extended.

STATISTICAL TABLES

TABLE 9-10.--PERCENTAGE OF AFDC FAMILIES AFFECTED BY \$50 PASSTHROUGH: 198

State	Percent of families	
	1985	1990
Alabama.....	11.7	19.1
Alaska.....	11.9	20.7
Arizona.....	4.8	4.9
Arkansas.....	15.9	19.7
California.....	13.8	12.7
Colorado.....	14.1	15.1
Connecticut.....	25.6	19.3
Delaware.....	21.7	18.0
District of Columbia.....	5.8	7.5
Florida.....	11.4	24.0
Georgia.....	5.3	19.6
Guam.....	10.5	19.9
Hawaii.....	20.5	13.2
Idaho.....	46.7	46.6
Illinois.....	5.5	7.9
Indiana.....	25.9	27.8
Iowa.....	22.7	22.8
Kansas.....	15.2	24.0
Kentucky.....	7.6	13.4

Louisiana.....	6.9	8.5
Maine.....	25.6	39.3
Maryland.....	15.0	10.9
Massachusetts.....	20.2	16.3
Michigan.....	17.2	25.3
Minnesota.....	22.5	28.0
Mississippi.....	4.8	9.2
Missouri.....	8.2	18.5
Montana.....	13.9	15.2
Nebraska.....	11.3	20.6
Nevada.....	33.6	29.8
New Hampshire.....	12.6	13.5
New Jersey.....	15.4	15.8
New Mexico.....	7.6	11.8
New York.....	9.2	11.8
North Carolina.....	15.0	19.5
North Dakota.....	25.1	36.7
Ohio.....	11.6	19.9
Oklahoma.....	8.4	13.4
Oregon.....	16.0	17.6
Pennsylvania.....	16.3	20.8
Puerto Rico.....	4.7	4.2
Rhode Island.....	13.9	17.9
South Carolina.....	8.9	26.3
South Dakota.....	17.6	21.4
Tennessee.....	9.8	15.2
Texas.....	3.1	5.8
Utah.....	26.9	23.7
Vermont.....	21.9	36.5
Virgin Islands.....	10.2	11.6
Virginia.....	14.9	24.9
Washington.....	18.0	24.8
West Virginia.....	6.6	7.1
Wisconsin.....	37.8	38.9
Wyoming.....	8.0	21.7
Nationwide total.....	13.2	16.3

Note.--These estimates are based on the number of "paying" child support cases AFDC families.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services

TABLE 9-11.--STATE PROFILE OF COLLECTIONS AND
[In millions of dollars]

State	Total collections	AFDC collections
-------	-------------------	------------------

Alabama.....	\$141.2	\$21.
Alaska.....	51.7	16.
Arizona.....	93.8	24.
Arkansas.....	63.9	16.
California.....	857.3	414.
Colorado.....	91.9	31.
Connecticut.....	117.7	52.
Delaware.....	31.6	8.
District of Columbia.....	26.0	5.
Florida.....	374.0	89.
Georgia.....	244.4	93.
Guam.....	6.0	1.
Hawaii.....	48.8	11.
Idaho.....	40.7	10.
Illinois.....	219.3	65.
Indiana.....	174.4	51.
Iowa.....	136.1	41.
Kansas.....	97.6	27.
Kentucky.....	130.6	42.
Louisiana.....	129.6	23.
Maine.....	57.4	28.
Maryland.....	265.3	44.
Massachusetts.....	223.6	77.
Michigan.....	859.6	167.
Minnesota.....	283.5	64.
Mississippi.....	68.2	19.
Missouri.....	238.7	58.
Montana.....	25.5	7.
Nebraska.....	90.1	11.
Nevada.....	50.1	7.
New Hampshire.....	42.6	10.
New Jersey.....	480.3	88.
New Mexico.....	26.9	9.
New York.....	619.5	185.
North Carolina.....	233.1	73.
North Dakota.....	25.5	6.
Ohio.....	886.8	120.
Oklahoma.....	63.9	22.
Oregon.....	156.8	30.
Pennsylvania.....	895.7	139.
Puerto Rico.....	107.4	2.
Rhode Island.....	32.6	17.
South Carolina.....	102.9	28.
South Dakota.....	24.8	6.
Tennessee.....	156.9	39.
Texas.....	448.5	89.
Utah.....	63.4	20.
Vermont.....	21.2	8.
Virgin Islands.....	5.4	0.
Virginia.....	226.7	48.
Washington.....	375.3	109.
West Virginia.....	72.8	14.
Wisconsin.....	427.5	94.
Wyoming.....	17.3	5.
U.S. totals.....	\$10,752.4	\$2,709.

\1\ Totals may not add due of rounding.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-12.--TOTAL CHILD SUPPORT COLLECTIONS, SELECTED FISCAL
[In thousands of dollars]

State	1979	1990	1991	1992
Alabama.....	6,854	66,174	80,952	98,141
Alaska.....	3,844	26,788	30,721	35,613
Arizona.....	6,411	27,837	33,277	46,447
Arkansas.....	3,921	26,010	32,783	42,065
California.....	199,945	522,646	591,243	653,681
Colorado.....	4,020	39,601	46,997	58,030
Connecticut.....	23,033	66,724	75,778	84,190
Delaware.....	5,814	20,161	22,692	25,926
District of Columbia.....	1,086	13,598	16,578	19,733
Florida.....	10,524	176,603	214,153	252,473
Georgia.....	5,554	113,095	143,014	174,467
Guam.....	160	1,440	3,162	4,697
Hawaii.....	5,150	27,638	30,096	34,404
Idaho.....	2,501	22,909	23,442	27,846
Illinois.....	10,740	136,019	150,134	183,308
Indiana.....	9,073	96,145	110,117	124,614
Iowa.....	13,017	70,982	80,693	96,046
Kansas.....	3,975	44,958	54,832	66,053
Kentucky.....	4,881	59,998	73,928	93,902
Louisiana.....	12,678	60,527	67,988	84,373
Maine.....	4,574	35,741	36,554	38,005
Maryland.....	20,856	151,352	163,626	194,009
Massachusetts.....	36,338	176,915	169,545	185,086
Michigan.....	248,414	644,734	697,634	782,804
Minnesota.....	21,370	139,345	160,363	189,495
Mississippi.....	1,662	30,532	40,277	48,289
Missouri.....	5,829	129,851	141,372	166,339
Montana.....	1,213	8,822	12,968	17,436
Nebraska.....	2,468	52,378	57,055	66,177
Nevada.....	3,487	16,210	23,346	32,080
New Hampshire.....	2,089	20,604	22,659	27,360
New Jersey.....	94,005	281,923	326,879	372,506
New Mexico.....	1,680	14,416	16,792	19,088
New York.....	136,361	373,718	437,371	487,738
North Carolina.....	9,168	120,344	140,222	167,894
North Dakota.....	1,723	10,414	12,309	15,599
Ohio.....	22,832	489,515	552,649	665,999
Oklahoma.....	1,826	32,169	39,922	46,540
Oregon.....	88,502	78,374	91,252	107,435
Pennsylvania.....	186,718	614,222	699,676	775,782
Puerto Rico.....	1,916	74,535	77,252	84,329
Rhode Island.....	3,575	20,044	21,609	24,880
South Carolina.....	3,545	52,320	58,857	68,798
South Dakota.....	1,407	11,024	13,119	15,881
Tennessee.....	8,976	71,502	77,032	84,818
Texas.....	8,207	132,318	192,797	251,157
Utah.....	6,624	38,071	43,895	52,610
Vermont.....	1,449	9,353	11,023	13,518
Virgin Islands.....	260	3,131	3,338	4,049
Virginia.....	9,197	110,560	129,919	145,114
Washington.....	27,018	175,750	222,409	267,455

West Virginia.....	1,592	21,658	23,527	35,561
Wisconsin.....	34,267	241,272	276,712	293,460
Wyoming.....	520	7,155	9,079	11,220
Nationwide total.....	1,332,847	6,010,125	6,885,619	7,964,522

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-13.--TOTAL AFDC COLLECTIONS, SELECTED FISCAL YEARS
[In thousands of dollars]

State	1979	1990	1991	1992
Alabama.....	6,830	19,484	22,788	23,001
Alaska.....	334	8,160	9,940	11,145
Arizona.....	642	6,102	7,401	12,693
Arkansas.....	2,428	11,799	13,800	15,766
California.....	117,532	248,440	286,261	314,232
Colorado.....	3,525	16,765	19,281	23,287
Connecticut.....	11,416	27,405	33,816	37,744
Delaware.....	1,386	5,826	6,661	7,306
District of Columbia.....	907	4,118	4,407	4,927
Florida.....	8,598	48,364	57,071	69,765
Georgia.....	4,772	45,937	57,765	74,546
Guam.....	159	520	1,635	2,524
Hawaii.....	2,544	8,343	7,699	8,161
Idaho.....	2,047	6,952	7,482	8,543
Illinois.....	9,916	44,149	48,968	58,842
Indiana.....	8,116	38,124	45,030	49,247
Iowa.....	10,654	28,552	30,585	35,401
Kansas.....	3,454	15,209	17,454	20,869
Kentucky.....	4,615	22,286	27,502	34,702
Louisiana.....	5,244	20,861	23,089	25,975
Maine.....	4,133	21,089	21,063	21,477
Maryland.....	10,929	42,318	37,162	46,348
Massachusetts.....	29,145	68,968	66,969	71,784
Michigan.....	76,375	145,251	153,690	168,317
Minnesota.....	14,510	43,950	47,802	53,305
Mississippi.....	1,556	14,530	19,494	21,523
Missouri.....	4,165	38,056	37,021	49,653
Montana.....	685	4,394	5,251	6,413
Nebraska.....	2,083	6,990	7,431	9,195
Nevada.....	517	3,311	4,465	6,807
New Hampshire.....	2,089	3,606	4,385	6,337
New Jersey.....	28,622	61,473	76,644	83,509
New Mexico.....	1,160	5,573	6,421	7,850
New York.....	56,588	134,040	157,582	174,587
North Carolina.....	7,714	46,176	54,712	64,004
North Dakota.....	1,379	5,103	5,600	6,016
Ohio.....	21,974	76,888	84,304	100,833
Oklahoma.....	1,260	11,875	14,894	17,682
Oregon.....	12,977	18,877	21,989	25,637
Pennsylvania.....	33,190	96,328	113,735	123,784
Puerto Rico.....	439	1,707	1,600	1,428
Rhode Island.....	3,438	10,168	10,550	13,486
South Carolina.....	3,065	15,933	17,779	21,066
South Dakota.....	1,137	3,717	4,213	4,888
Tennessee.....	3,871	22,926	27,865	22,777
Texas.....	6,370	39,659	47,255	59,165

Utah.....	5,442	14,999	16,261	18,939
Vermont.....	1,201	5,578	6,380	6,649
Virgin Islands.....	143	210	233	282
Virginia.....	9,081	27,770	33,910	38,281
Washington.....	18,319	65,291	77,402	91,083
West Virginia.....	1,430	4,085	6,859	9,500
Wisconsin.....	26,044	59,303	61,179	63,813
Wyoming.....	379	2,584	3,226	3,749
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Nationwide total.....	596,532	1,750,125	1,983,962	2,258,844

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-14.--TOTAL NON-AFDC COLLECTIONS, SELECTED FISCAL YEA
[In thousands of dollars]

State	1979	1990	1991	1992
Alabama.....	\$16	\$46,691	\$58,165	\$75,140
Alaska.....	3,510	18,628	20,781	24,468
Arizona.....	5,769	21,735	25,875	33,754
Arkansas.....	1,494	14,211	18,984	26,299
California.....	82,412	274,205	304,982	339,449
Colorado.....	496	22,836	27,715	34,743
Connecticut.....	11,617	39,319	41,960	46,445
Delaware.....	4,428	14,335	16,032	18,620
District of Columbia.....	179	9,481	12,171	14,806
Florida.....	1,926	128,239	157,081	182,707
Georgia.....	783	67,158	85,249	99,921
Guam.....	(\1\)	920	1,527	2,172
Hawaii.....	2,606	19,295	22,397	26,243
Idaho.....	454	15,957	15,960	19,302
Illinois.....	823	91,870	101,167	124,467
Indiana.....	957	58,021	65,087	75,368
Iowa.....	2,363	42,430	50,109	60,645
Kansas.....	520	29,749	37,379	45,183
Kentucky.....	266	37,711	46,426	59,200
Louisiana.....	7,434	39,665	44,898	58,398
Maine.....	441	14,652	15,490	16,528
Maryland.....	9,927	109,034	126,464	147,660
Massachusetts.....	7,193	107,948	102,576	113,302
Michigan.....	172,039	499,483	543,944	614,488
Minnesota.....	6,861	95,395	112,561	136,190
Mississippi.....	106	16,002	20,783	26,766
Missouri.....	1,664	91,795	104,351	116,686
Montana.....	528	4,427	7,718	11,024
Nebraska.....	385	45,387	49,624	56,983
Nevada.....	2,970	12,899	18,881	25,273
New Hampshire.....	0	16,999	18,274	21,023
New Jersey.....	65,383	220,450	250,235	288,997
New Mexico.....	520	8,843	10,371	11,239
New York.....	79,773	239,678	279,289	313,151
North Carolina.....	1,454	74,167	85,510	103,890
North Dakota.....	344	5,312	6,708	9,583
Ohio.....	858	412,627	468,346	565,166
Oklahoma.....	566	20,293	25,028	28,858
Oregon.....	75,525	59,497	69,263	81,798
Pennsylvania.....	153,528	517,893	517,893	651,998
Puerto Rico.....	1,477	72,828	75,652	82,901

Rhode Island.....	137	9,876	11,059	11,394
South Carolina.....	480	36,387	41,078	47,732
South Dakota.....	270	7,307	8,906	10,993
Tennessee.....	5,105	48,575	49,167	62,041
Texas.....	1,837	92,659	145,543	191,993
Utah.....	1,183	23,073	27,634	33,671
Vermont.....	249	3,775	4,643	6,869
Virgin Islands.....	116	2,920	3,105	3,767
Virginia.....	116	82,789	96,008	106,833
Washington.....	8,699	110,459	145,006	176,372
West Virginia.....	162	17,574	16,668	26,061
Wisconsin.....	8,224	181,969	215,533	229,647
Wyoming.....	141	4,571	5,853	7,471
Nationwide total.....	736,315	4,260,000	4,901,657	5,705,678

\1\ Less than \$500.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-15.--AVERAGE NUMBER OF AFDC CHILD SUPPORT CASES IN WHIC

State	1978	1985
Alabama.....	7,966	9,133
Alaska.....	246	1,120
Arizona.....	819	1,851
Arkansas.....	2,509	5,207
California.....	92,325	103,742
Colorado.....	3,177	5,687
Connecticut.....	8,002	15,565
Delaware.....	1,156	2,891
District of Columbia.....	708	1,925
Florida.....	7,376	16,468
Georgia.....	6,350	6,657
Guam.....	(\1\)	206
Hawaii.....	1,757	4,622
Idaho.....	1,346	4,343
Illinois.....	9,624	18,299
Indiana.....	9,488	22,058
Iowa.....	8,396	11,871
Kansas.....	2,859	4,769
Kentucky.....	3,083	6,729
Louisiana.....	5,204	7,836
Maine.....	2,368	7,178
Maryland.....	14,002	15,861
Massachusetts.....	17,782	25,350
Michigan.....	61,985	59,049
Minnesota.....	9,818	14,872
Mississippi.....	1,846	3,742
Missouri.....	(\2\)	7,716
Montana.....	748	1,600
Nebraska.....	1,509	2,362
Nevada.....	494	2,370
New Hampshire.....	1,530	1,021
New Jersey.....	16,243	27,686
New Mexico.....	1,429	2,034
New York.....	36,287	48,979
North Carolina.....	11,232	14,216

North Dakota.....	759	1,656
Ohio.....	24,419	32,582
Oklahoma.....	1,101	3,543
Oregon.....	6,761	6,687
Pennsylvania.....	15,172	42,088
Puerto Rico.....	413	3,736
Rhode Island.....	2,419	3,233
South Carolina.....	3,343	5,785
South Dakota.....	1,087	1,532
Tennessee.....	4,705	8,336
Texas.....	5,446	5,652
Utah.....	3,784	5,209
Vermont.....	953	2,329
Virgin Islands.....	232	199
Virginia.....	4,729	13,054
Washington.....	14,860	15,895
West Virginia.....	1,430	2,331
Wisconsin.....	16,868	44,799
Wyoming.....	294	453
Total.....	458,439	684,114

\1\ Data not reported for this item or insufficient data reported to perform indi
 \2\ Less than \$500.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-16.--AVERAGE NUMBER OF NON-AFDC CHILD SUPPORT ENFORCEMENT CASES

State	1978	1985	1987
Alabama.....	110	5,023	11,583
Alaska.....	2,309	3,205	3,184
Arizona.....	(\1\)	4,770	4,668
Arkansas.....	764	3,613	5,074
California.....	69,696	64,686	77,448
Colorado.....	1,017	3,976	4,537
Connecticut.....	(\1\)	9,392	9,884
Delaware.....	3,210	4,395	5,073
District of Columbia.....	93	1,007	1,264
Florida.....	1,200	7,593	25,573
Georgia.....	1,207	5,487	14,883
Guam.....	(\1\)	65	114
Hawaii.....	(\1\)	352	2,804
Idaho.....	455	1,047	2,529
Illinois.....	196	10,030	14,479
Indiana.....	450	2,881	12,759
Iowa.....	671	4,913	3,441
Kansas.....	210	758	5,260
Kentucky.....	255	3,647	15,549
Louisiana.....	6,866	10,636	11,695
Maine.....	638	1,496	3,862
Maryland.....	130	26,154	12,685
Massachusetts.....	(\1\)	0	26,549
Michigan.....	(\1\)	88,675	126,187
Minnesota.....	2,766	12,615	16,137
Mississippi.....	81	1,319	4,348
Missouri.....	(\1\)	5,362	14,676
Montana.....	444	344	800

Nebraska.....	176	7,874	10,540
Nevada.....	4,026	5,360	3,212
New Hampshire.....	(\1\)	4,939	5,474
New Jersey.....	20,000	45,868	51,706
New Mexico.....	286	2,249	2,462
New York.....	39,623	63,829	67,460
North Carolina.....	1,715	10,137	15,323
North Dakota.....	154	266	865
Ohio.....	1,430	10,853	39,114
Oklahoma.....	(\1\)	1,968	4,867
Oregon.....	17,957	19,331	20,620
Pennsylvania.....	49,621	108,498	123,248
Puerto Rico.....	710	26,873	30,490
Rhode Island.....	57	1,969	2,750
South Carolina.....	203	2,777	3,165
South Dakota.....	297	502	2,175
Tennessee.....	6,360	12,156	14,957
Texas.....	2,861	8,833	15,079
Utah.....	400	1,068	4,008
Vermont.....	181	393	967
Virgin Islands.....	1	1,288	1,252
Virginia.....	38	876	19,273
Washington.....	4,822	9,802	13,656
West Virginia.....	130	288	1,953
Wisconsin.....	4,685	20,288	41,953
Wyoming.....	89	77	563
Total.....	248,590	653,803	934,177

\1\ Data not reported for this item or insufficient data reported to perform indi

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services

TABLE 9-17.--SUPPORT ORDERS ESTABLISHED, ENFORCED, AND MODIFIED TO INCLUDE HEALTH INSURANCE

State	Total number of orders established	Total number with health insurance	Percent with health insurance	Total number of orders enforced or modified
Alabama.....	12,701	2,458	19.35	377,831
Alaska.....	4,958	4,940	99.64	4,153
Arizona.....	9,576	9,151	95.56	220,023
Arkansas.....	9,128	5,469	59.91	7,332
California.....	155,222	116,747	75.21	743,873
Colorado.....	8,660	7,059	81.51	46,283
Connecticut.....	24,693	13,417	54.34	110,604
Delaware.....	3,644	149	4.09	7,481
District of Columbia.....	1,326	32	2.41	6,349
Florida.....	13,982	0	0.00	55,702
Georgia.....	23,795	23,795	100.00	426,767
Guam.....	673	370	54.98	763
Hawaii.....	3,981	3,981	100.00	90,219
Idaho.....	3,607	3,607	100.00	81,728
Illinois.....	25,428	7,448	29.29	8,600
Indiana.....	28,097	0	0.00	NA
Iowa.....	9,983	8,628	86.43	150,623
Kansas.....	17,684	15,092	85.34	150,821
Kentucky.....	29,874	1,830	6.13	36,572

Louisiana.....	12,865	12,294	95.56	122,925
Maine.....	3,166	2,055	64.91	13,707
Maryland.....	16,856	12,832	76.13	100,657
Massachusetts.....	15,317	10,839	70.76	6,308
Michigan.....	32,354	30,466	94.16	985,731
Minnesota.....	19,369	11,232	57.99	47,802
Mississippi.....	8,885	0	0.00	11,761
Missouri.....	27,142	19,806	72.97	96,087
Montana.....	3,662	2,607	71.19	28,889
Nebraska.....	5,540	3,035	54.78	34,198
Nevada.....	5,299	4,203	79.32	36,473
New Hampshire.....	3,790	2,168	57.20	44,831
New Jersey.....	23,507	14,451	61.48	21,323
New Mexico.....	6,403	4,408	68.84	1,830
New York.....	31,609	12,643	40.00	34,866
North Carolina.....	34,165	23,058	67.49	209,083
North Dakota.....	1,456	1,381	94.85	3,960
Ohio.....	57,613	26,297	45.64	385,379
Oklahoma.....	8,851	5,963	67.37	7,883
Oregon.....	13,577	11,568	85.20	56,486
Pennsylvania.....	122,320	79,901	65.32	397,556
Puerto Rico.....	11,598	69	0.59	48,491
Rhode Island.....	3,504	2,344	66.89	12,227
South Carolina.....	9,825	6,074	61.82	26,911
South Dakota.....	3,185	2,801	87.94	13,805
Tennessee.....	11,798	7,178	60.84	33,364
Texas.....	38,588	38,588	100.00	98,109
Utah.....	8,073	6,449	79.88	239,603
Vermont.....	1,490	1,065	71.48	3,493
Virgin Islands.....	486	154	31.69	1,461
Virginia.....	32,471	18,481	56.92	101,306
Washington.....	32,253	22,772	70.60	483,465
West Virginia.....	7,759	3,580	46.14	230,701
Wisconsin.....	36,871	8,465	22.96	72,531
Wyoming.....	11,811	4,395	37.21	4,430
U.S. total.....	1,050,470	637,795	60.72	6,543,366

NA--Not available.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-18.--PERCENTAGE OF AFDC PAYMENTS RECOVERED THROUGH CHI

State	1979	1985	1
Alabama.....	8.5	23.2	
Alaska.....	1.5	8.3	
Arizona.....	2.0	5.1	
Arkansas.....	4.8	17.6	
California.....	6.5	6.1	
Colorado.....	4.8	9.5	
Connecticut.....	6.5	12.2	
Delaware.....	4.4	17.3	
District of Columbia.....	1.0	3.8	
Florida.....	5.5	11.5	
Georgia.....	4.3	10.4	
Guam.....	5.3	9.1	
Hawaii.....	2.9	8.9	

Idaho.....	8.9	25.0
Illinois.....	1.5	4.8
Indiana.....	7.2	21.5
Iowa.....	9.0	19.3
Kansas.....	5.0	14.1
Kentucky.....	3.8	8.5
Louisiana.....	5.2	9.1
Maine.....	7.3	20.6
Maryland.....	6.1	11.2
Massachusetts.....	6.6	10.7
Michigan.....	9.0	12.5
Minnesota.....	7.8	12.7
Mississippi.....	2.9	9.4
Missouri.....	2.8	12.0
Montana.....	4.4	8.6
Nebraska.....	5.4	11.5
Nevada.....	6.3	16.4
New Hampshire.....	9.4	15.2
New Jersey.....	5.9	12.5
New Mexico.....	3.4	7.4
New York.....	3.5	5.0
North Carolina.....	5.6	17.4
North Dakota.....	9.6	16.8
Ohio.....	4.8	10.1
Oklahoma.....	1.6	6.4
Oregon.....	9.0	13.0
Pennsylvania.....	4.6	11.0
Puerto Rico.....	0.7	2.7
Rhode Island.....	6.1	7.6
South Carolina.....	5.4	13.1
South Dakota.....	6.5	14.4
Tennessee.....	5.0	10.3
Texas.....	5.4	6.2
Utah.....	13.7	19.6
Vermont.....	4.1	11.1
Virgin Islands.....	8.5	8.3
Virginia.....	6.3	9.0
Washington.....	12.5	10.9
West Virginia.....	2.6	7.8
Wisconsin.....	9.5	12.4
Wyoming.....	5.6	8.2
Total.....	5.8	9.1

Note.--Payments to AFDC Unemployed Parent (UP) families have been excluded from t UP programs.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-19.--FEDERAL INCOME TAX REFUND OFFSET PROGRAM COLLECTIONS, F [In thousands of dollars]

State	1983	1987	1989	1990	1991
Alabama.....	1,555	5,135	7,450	8,009	8,82
Alaska.....	212	891	995	1,208	1,38
Arizona.....	385	2,049	2,592	2,605	2,87
Arkansas.....	1,104	3,770	4,490	4,669	5,57
California.....	35,034	46,287	50,472	57,624	57,09

Colorado.....	3,016	3,020	4,947	5,604	6,17
Connecticut.....	4,455	6,140	12,132	9,907	9,25
Delaware.....	166	1,319	1,812	1,966	2,46
District of Columbia.....	567	779	1,202	1,942	1,60
Florida.....	1,980	7,318	21,294	21,038	24,88
Georgia.....	1,526	7,258	11,566	13,032	15,69
Guam.....	13	44	26	13	1
Hawaii.....	817	1,122	1,511	1,573	1,97
Idaho.....	1,183	1,594	1,959	2,173	2,27
Illinois.....	4,525	15,415	13,887	19,307	18,87
Indiana.....	4,940	11,390	15,642	15,860	16,85
Iowa.....	5,526	7,798	8,990	8,828	9,43
Kansas.....	2,525	3,704	4,947	5,300	6,10
Kentucky.....	1,165	3,262	6,812	6,680	7,89
Louisiana.....	1,536	4,722	5,797	6,582	6,51
Maine.....	1,844	3,377	4,866	5,383	4,92
Maryland.....	5,688	9,646	17,039	14,343	14,18
Massachusetts.....	3,325	5,269	10,101	11,899	10,93
Michigan.....	18,250	25,893	30,246	29,854	32,77
Minnesota.....	5,576	6,762	7,936	8,096	8,83
Mississippi.....	1,019	2,252	4,147	4,958	6,39
Missouri.....	4,289	8,482	12,438	14,205	10,18
Montana.....	431	1,209	1,366	1,301	1,37
Nebraska.....	502	1,395	2,598	2,485	2,54
Nevada.....	354	433	630	768	1,36
New Hampshire.....	757	1,284	1,137	1,177	1,35
New Jersey.....	9,458	14,268	16,201	16,171	18,26
New Mexico.....	533	2,278	2,279	2,585	2,86
New York.....	9,945	27,991	23,472	24,763	31,30
North Carolina.....	4,235	7,229	11,359	11,270	12,71
North Dakota.....	352	848	773	1,302	1,50
Ohio.....	2,886	11,186	14,346	16,514	21,02
Oklahoma.....	703	2,218	4,197	4,647	5,80
Oregon.....	3,782	4,863	5,113	5,381	5,62
Pennsylvania.....	6,112	17,123	21,332	24,354	27,94
Puerto Rico.....	2	13	47	6	6
Rhode Island.....	838	880	1,401	1,548	1,52
South Carolina.....	368	1,789	2,788	3,233	3,44
South Dakota.....	374	998	1,465	1,498	1,64
Tennessee.....	642	3,025	7,110	7,539	8,34
Texas.....	3,906	11,316	17,934	19,926	24,13
Utah.....	2,540	2,991	3,730	4,066	4,29
Vermont.....	611	887	1,154	1,017	1,07
Virgin Islands.....		37	34	7	2
Virginia.....	1,674	6,840	8,913	9,761	10,29
Washington.....	4,278	10,510	12,537	13,732	13,95
West Virginia.....	1,038	2,013	2,944	3,066	3,26
Wisconsin.....	6,266	10,029	12,902	13,290	14,38
Wyoming.....	222	503	534	684	1,13
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Nationwide total.....	175,021	338,853	443,594	474,748	515,27

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-20.--TOTAL CHILD SUPPORT COLLECTIONS PER DOLLAR OF TOTAL A

State

1978 1986

Alabama.....	.75	2.45
Alaska.....	3.19	2.61
Arizona.....	.88	1.46
Arkansas.....	1.00	2.62
California.....	2.15	2.37
Colorado.....	1.78	1.89
Connecticut.....	4.20	3.49
Delaware.....	7.14	2.46
District of Columbia.....	.73	.92
Florida.....	1.20	2.12
Georgia.....	2.22	2.59
Guam.....		1.39
Hawaii.....	1.71	2.26
Idaho.....	2.10	3.58
Illinois.....	2.10	2.40
Indiana.....	2.42	4.82
Iowa.....	3.49	6.77
Kansas.....	3.01	2.15
Kentucky.....	1.14	2.52
Louisiana.....	1.82	1.99
Maine.....	3.40	3.74
Maryland.....	2.14	3.77
Massachusetts.....	5.12	3.50
Michigan.....	9.50	8.33
Minnesota.....	2.15	3.02
Mississippi.....	.87	2.29
Missouri.....	.89	3.89
Montana.....	1.58	2.59
Nebraska.....	2.10	5.44
Nevada.....	1.83	2.10
New Hampshire.....	4.05	4.39
New Jersey.....	4.16	4.64
New Mexico.....	1.17	2.27
New York.....	1.75	1.83
North Carolina.....	1.50	3.26
North Dakota.....	1.83	2.46
Ohio.....	2.50	4.41
Oklahoma.....	.76	1.78
Oregon.....	9.48	4.47
Pennsylvania.....	9.14	7.78
Puerto Rico.....	.92	14.02
Rhode Island.....	3.51	3.90
South Carolina.....	2.38	2.37
South Dakota.....	.99	2.74
Tennessee.....	2.49	3.31
Texas.....	.74	2.01
Utah.....	1.99	2.21
Vermont.....	2.24	2.34
Virgin Islands.....	.40	2.14
Virginia.....	.72	1.57
Washington.....	2.96	2.42
West Virginia.....	.74	1.98
Wisconsin.....	3.80	4.78
Wyoming.....	3.18	3.27
U.S. ratio.....	3.35	3.45

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-21.--NUMBER OF PATERNITIES ESTABLISHED, SELECTED FISCAL

State	1979	1987	1989	1990	1991
Alabama.....	6,161	6,998	7,839	6,517	6,61
Alaska.....	3	364	797	767	67
Arizona.....	154	1,009	1,327	1,237	2,67
Arkansas.....	2,586	5,326	4,453	3,191	4,70
California.....	19,364	28,570	35,193	41,065	56,91
Colorado.....	1,046	1,291	1,939	1,864	2,88
Connecticut.....	3,029	3,908	3,888	4,499	5,30
Delaware.....	205	1,867	1,641	801	72
District of Columbia.....	386	1,021	2,079	2,791	3,89
Florida.....	7,078	12,136	13,399	19,534	17,90
Georgia.....	3,642	14,112	18,198	24,615	28,01
Guam.....	NA	122	109	563	88
Hawaii.....	854	1,061	1,295	1,843	1,67
Idaho.....	287	384	1,100	1,310	1,55
Illinois.....	3,025	20,848	29,926	25,496	21,15
Indiana.....	1,644	3,570	4,943	5,309	6,29
Iowa.....	575	1,664	1,980	3,045	1,90
Kansas.....	696	1,119	2,101	3,644	3,12
Kentucky.....	784	3,881	4,498	6,092	6,81
Louisiana.....	1,304	2,926	4,451	5,525	11,09
Maine.....	382	951	1,609	1,381	1,37
Maryland.....	13,307	6,671	9,995	7,538	12,08
Massachusetts.....	2,096	7,025	6,194	6,339	5,74
Michigan.....	7,529	18,274	23,142	25,574	27,95
Minnesota.....	1,786	3,856	6,098	5,661	7,69
Mississippi.....	932	1,824	7,929	10,740	11,95
Missouri.....	NA	14,308	11,146	16,242	21,97
Montana.....	92	179	388	429	67
Nebraska.....	NA	710	759	885	1,28
Nevada.....	233	531	664	1,033	1,65
New Hampshire.....	35	195	518	614	64
New Jersey.....	8,242	13,938	13,182	12,243	10,59
New Mexico.....	322	412	1,571	1,992	1,60
New York.....	17,503	18,239	18,056	20,492	30,19
North Carolina.....	6,592	9,916	11,663	14,504	18,18
North Dakota.....	293	1,134	820	784	93
Ohio.....	4,808	9,133	11,637	15,823	20,85
Oklahoma.....	43	512	1,361	2,710	4,93
Oregon.....	1,521	1,902	3,131	4,081	3,83
Pennsylvania.....	4,450	15,277	18,921	20,231	23,06
Puerto Rico.....	22	6	144	216	26
Rhode Island.....	347	601	673	868	76
South Carolina.....	1,378	3,994	5,243	5,273	6,06
South Dakota.....	60	552	504	509	68
Tennessee.....	5,003	7,666	9,647	8,976	10,30
Texas.....	202	684	6,465	12,623	19,62
Utah.....	487	1,292	1,801	2,087	2,48
Vermont.....	44	1,091	468	533	43
Virgin Islands.....	4	235	270	160	21
Virginia.....	1,452	2,667	8,471	13,647	15,97
Washington.....	656	4,066	5,762	6,985	8,60
West Virginia.....	156	288	820	997	1,32
Wisconsin.....	4,803	8,750	8,695	10,808	12,93
Wyoming.....	44	105	340	618	37

Total..... 137,645 269,161 339,243 393,304 472,10

NA--Not available.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-22.--OUT-OF-WEDLOCK BIRTHS AND CHILD SUPPORT F

State	Births	
	1987	1989
Alabama.....	15,955	18,640
Alaska.....	2,564	2,869
Arizona.....	17,227	20,708
Arkansas.....	8,498	9,944
California.....	136,785	171,189
Colorado.....	10,171	10,787
Connecticut.....	11,045	13,005
Delaware.....	2,742	3,125
District of Columbia.....	6,094	7,580
Florida.....	48,200	58,305
Georgia.....	28,647	34,926
Hawaii.....	3,968	4,609
Idaho.....	2,073	2,561
Illinois.....	50,677	58,867
Indiana.....	17,260	19,898
Iowa.....	6,147	7,575
Kansas.....	6,633	7,577
Kentucky.....	10,658	12,048
Louisiana.....	23,594	25,692
Maine.....	3,338	3,806
Maryland.....	22,866	22,607
Massachusetts.....	17,616	21,798
Michigan.....	28,724	36,441
Minnesota.....	11,114	13,142
Mississippi.....	14,499	16,958
Missouri.....	17,823	21,123
Montana.....	2,379	2,539
Nebraska.....	4,006	4,662
Nevada.....	2,740	4,607
New Hampshire.....	2,511	2,797
New Jersey.....	26,647	29,364
New Mexico.....	8,067	9,447
New York.....	80,939	92,996
North Carolina.....	23,262	28,315
North Dakota.....	1,429	1,615
Ohio.....	39,237	45,921
Oklahoma.....	9,892	11,258
Oregon.....	8,672	10,436
Pennsylvania.....	41,143	47,093
Rhode Island.....	3,064	3,684
South Carolina.....	15,333	18,116
South Dakota.....	2,225	2,415
Tennessee.....	17,897	21,281
Texas.....	57,464	60,303
Utah.....	3,929	4,504
Vermont.....	1,459	1,685
Virginia.....	20,562	24,410

Washington.....	14,629	17,638
West Virginia.....	4,722	5,212
Wisconsin.....	14,698	16,815
Wyoming.....	1,189	1,276
U.S. total.....	933,013	1,094,169

Sources: Office of Child Support Enforcement, U.S. Department of Health and Human Services (in thousands of dollars).

TABLE 9-23.--STATE SHARE OF PROGRAM SAVINGS FOR FISCAL YEAR
[In thousands of dollars]

State	1989	1990	1991	1992
Alabama.....	380	-518	-1,982	-3,053
Alaska.....	2,264	2,469	2,982	3,431
Arizona.....	-1,219	-2,899	-3,125	-3,320
Arkansas.....	1,574	1,013	1,830	1,009
California.....	79,779	76,552	88,584	98,465
Colorado.....	4,552	4,991	5,954	5,661
Connecticut.....	11,330	7,310	10,332	11,711
Delaware.....	797	812	923	902
District of Columbia.....	-3,145	-89	-574	144
Florida.....	5,601	2,932	7,179	11,482
Georgia.....	2,861	1,299	3,930	7,937
Guam.....	-87	-227	-293	-450
Hawaii.....	1,648	1,622	1,502	1,655
Idaho.....	1,029	895	751	955
Illinois.....	10,935	5,159	5,785	9,767
Indiana.....	14,027	11,731	16,134	20,359
Iowa.....	11,767	11,631	10,840	11,765
Kansas.....	1,170	2,229	3,694	4,041
Kentucky.....	207	207	-475	1,958
Louisiana.....	696	150	-1,049	-1,845
Maine.....	5,236	4,229	3,852	3,890
Maryland.....	6,860	8,631	6,120	10,366
Massachusetts.....	23,373	23,391	21,789	25,917
Michigan.....	57,413	54,088	58,032	53,107
Minnesota.....	13,969	12,083	11,468	12,377
Mississippi.....	-232	-2,987	-2,549	-1,243
Missouri.....	8,046	9,002	7,846	11,772
Montana.....	1,093	769	454	532
Nebraska.....	-252	-572	-582	-2,093
Nevada.....	-32	-417	-334	608
New Hampshire.....	362	185	271	826
New Jersey.....	15,081	6,836	9,100	13,551
New Mexico.....	305	-148	-361	-224
New York.....	24,201	22,865	30,313	41,091
North Carolina.....	5,857	3,598	4,257	6,343
North Dakota.....	955	1,074	1,231	973
Ohio.....	21,558	12,040	6,054	445
Oklahoma.....	705	69	380	1,110
Oregon.....	3,703	2,658	3,358	4,863
Pennsylvania.....	22,018	19,846	21,226	27,102
Puerto Rico.....	-1,075	-3,121	-2,165	-2,008
Rhode Island.....	2,999	3,439	3,940	4,375
South Carolina.....	490	-1,639	91	437
South Dakota.....	969	1,254	820	672

Tennessee.....	1,278	3,432	5,989	1,578
Texas.....	2,163	-4,832	-4,774	-6,111
Utah.....	1,362	1,111	892	980
Vermont.....	1,440	1,957	1,918	1,621
Virgin Islands.....	-223	-184	-459	-227
Virginia.....	2,567	-1,113	4,292	4,324
Washington.....	15,386	14,053	22,038	19,695
West Virginia.....	-59	-1,214	-722	-1,047
Wisconsin.....	21,306	18,451	16,740	15,553
Wyoming.....	574	363	340	589
U.S. total.....	403,400	338,469	384,691	433,317

Note.--Numbers may not sum to total due to rounding.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human

TABLE 9-24.--STATES USING THE INCOME SHARES AND PERCENTAGE OF INCOME APPROACHES TO ESTABLISHING CHILD SUPPORT GUIDELINES

Income shares		
Alabama	Maine	Oklahoma
Arizona	Maryland	Oregon
California	Michigan	Pennsylvania
Colorado	Missouri	Rhode Island
Florida	Montana	South Carolina
Idaho	Nebraska	South Dakota
Indiana	New Jersey	Utah
Iowa	New Mexico	Vermont
Kansas	North Carolina	Virginia
Kentucky	Ohio	Washington
Louisiana		

Percentage of income		
Alaska	New Hampshire	Georgia
Arkansas	North Dakota	Mississippi
Connecticut	Tennessee	Nevada
Illinois	Texas	New York
Minnesota	Wyoming	Wisconsin

Source: Garfinkel, McLanahan & Robins (1994).

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