

The New Welfare Law: Child Support Enforcement

**Developed for Battered Women's Advocates
by the National Resource Center on Domestic Violence
and the National Network to End Domestic Violence**

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Introduction

The purpose of this paper is to provide accurate information about the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ["the Act" or "PRA"] ¹ and the issues likely to surround its implementation. However, the Act is very new and there are differing views about what the law actually means, about implementation, and the best strategies to help battered women. We encourage advocates to learn as much as they can from multiple sources and analyze the issues from the unique perspective of their state. We continue to welcome your feedback and suggestions for future papers.

This paper is the third in the series and provides a brief overview of family violence issues in the context of child support enforcement and the establishment of paternity. It does not provide a complete description of child support enforcement or paternity issues. Paper #2 provided information about implementation of the Act and the Family Violence Option. Paper #1 provided a basic introduction to the new welfare law. These papers are available from the National Resource Center on Domestic Violence (NRC).

The National Resource Center on Domestic Violence (NRC) and the National Network to End Domestic Violence (NNEDV) are working closely with the Battered Women's Justice Project--Civil Component (BWJP), Ayuda, The Taylor Institute, NOWLDEF, NCADV, the Women's Legal Defense Fund, and other groups to ensure that ongoing technical assistance is available to advocates. In the interim, the NRC [800-537-2238] will serve as a clearinghouse.

Because our work is to ensure systems are as responsive to battered women and their children as possible, this paper focuses on the potential issues and concerns that child support enforcement may raise for some battered women. However, this focus should not lead advocates to see paternity establishment and child support enforcement solely as a source of problems for battered women. Effective child support enforcement can provide essential financial security to the children of battered women.

This paper covers the following topics:

I. Key issues:

- A. Mandatory reduction of TANF assistance for failure to cooperate with paternity establishment or child support enforcement [without good cause or other exception].
- B. Databases
- C. Paternity

II. Key child support enforcement provisions for Indian tribes

I. Key issues

In general, the Act tries to streamline the child support process and institute a more aggressive approach to establishing paternity and collecting child support. More effective child support enforcement can provide essential financial security to the children of battered women. Child support can also enhance the safety and security of the children's battered mothers. Yet, enhanced enforcement may also raise significant safety concerns for some battered women and their children.

This section will review three key aspects of the child support law, discuss potential effects on battered women and their children, and provide policy considerations and recommendations. As with other aspects of the Act, the child support provisions raise numerous legal and implementation questions. The following information is an overview and not intended to be a comprehensive description of the current law. Child support enforcement involves complex layers of law and logistics.

NOTE: Domestic violence advocates are encouraged to work with lawyers and advocates for the poor, and others working on child support issues, to further their understanding of the child support and paternity issues facing battered women in their state.

A. **Mandatory reduction of TANF² assistance for failure to cooperate with paternity establishment or child support enforcement [without good cause or other exception**

□ **The Law:**

If the agency responsible for child support [also known as the IV-D agency, "4 D"] determines that an individual is not cooperating with the state in establishing paternity or in establishing, modifying, or enforcing a support order and the individual does not qualify for good cause or other exception established by the state, then the state:

- ▼ must reduce the family's TANF assistance by at least 25%; and
- ▼ may deny the family assistance completely.³

The concepts of cooperation, good cause, and sanctioning for failure to cooperate are not new. The federal law before TANF had similar provisions. In addition, there are federal regulations⁴ that further define cooperation and good cause. However, the implementation of the cooperation requirement is now likely to be more strict. In the past an applicant or recipient could just state, "I don't know any information about my child's father" and that would usually end the state's child support enforcement efforts. It is unlikely that this will continue to be the practice in most states. An applicant or recipient will now be expected to provide information in order to meet the state's cooperation requirement.

The Act gives states the opportunity to develop their own definitions, including the definition for cooperation. As with other aspects of the new welfare law, states have broad discretion to define and implement the cooperation and good cause provisions. However, a state may work from the existing language in the regulations as it develops its own definitions. In this particular section of the child support law, it will be up to each state to:

▼ **Define what cooperation means**

-e.g. cooperation may mean providing certain information, such as the father's⁵ name, address, social security number, employer, motor vehicle information and occupation, coming to court hearings, submitting to genetic tests for paternity, etc.

▼ **Define what will be seen as a "good cause or other exception" to cooperating**

Federal regulations⁶ have defined "good cause" to include:

- risk of physical or emotional harm to the child or parent,
- that the child was conceived as a result of incest or forcible rape,
- that the process or consideration of placing the child for adoption is underway.

NOTE: The Act added "or other exceptions" to the current law and this provides an opportunity for states to specify other reasons why an individual may be excused from the cooperation requirement. (e.g. the individual does not have any information about the father because he lied to her, has not had contact with her for a significant period of time, or has "disappeared".)

▼ **Decide what information an individual will have to provide to prove "good cause or other exception" and the process for asking for the exception**

- Each state must determine how an applicant or recipient will find out about the cooperation requirement and the good cause or other exceptions. (e.g. An oral and written notice will be provided when an individual applies for assistance and at other key points in her interaction with the state.)
- Each state must determine what information is necessary for an individual to be granted an exception. (e.g. her sworn statement, statements from others, medical, legal, or social service agency records or statements, etc.)

NOTE: The Act requires the IV-D (child support agency) to determine whether the individual has "cooperated." The Act allows either the IV-D, IV-A (TANF), or Medicaid agency to make the "good cause or other exception" determinations.

▼ **Decide whether it will reduce a family's grant by more than 25% or eliminate it completely for failure to cooperate**

NOTE: RE child support regulations and law:

Advocates may come in contact with two versions of **federal** child support regulations.

1. Current child support regulations

2. Proposed new regulations — published for comment 7/96

In addition to the federal regulations, there will be **state level** legislation, regulations, and procedures. Therefore, advocates should check with informed allies to identify exactly which set of regulations and laws are in effect in their state.

□ **Possible effects of cooperation requirements on some battered women and their children:**

▼ **Cooperation requirement:**

Given the time limits on TANF assistance and the overall benefits of child support, many battered women will actively "cooperate" with the State to enforce child support and establish paternity. However, some battered women may not cooperate because it will increase the risk of violence or because they are unable to do so. Examples:

- A battered woman and her children are hiding from her abusive partner to stay safe. Cooperating with child support enforcement will give him an opportunity to find her. He will know when she has to be in court and may gain access to information about her location as part of the legal process.
- A battered woman's abusive partner says he'll kill her and the children if she tries to collect child support.
- A battered woman may have fled from a brief relationship she had several years ago with the abusive father of her child. She has no current information about him and has no way of finding out where he is or what he is doing.
- A battered woman fears identifying the father of her child, because he is not her current partner. Her current partner is extremely abusive and jealous and has acted as a father to her child. She knows her current partner will hurt her if she cooperates in establishing the paternity of the child.
- A battered woman fled her abusive partner because the state's child protection agency told her that he had sexually assaulted their child. She believes if the state pursues child support collection from him he will want and get contact with this child.
- A battered woman's abusive partner has repeatedly threatened that if she ever leaves him she'll never see her children again because he'll either snatch them or win custody. She is afraid to cooperate with paternity establishment because this will give him the right to fight for custody and make it easier for him to carry out his threat.

□ **Policy considerations and recommendations:**

NOTE: Standards for cooperation and establishing good cause exemptions should be defined to allow for numerous real life circumstances of applicants or recipients.

One aspect of cooperation is providing information about the father of the child. The definition of cooperation and good cause developed by states should reflect two issues:

1. A battered mother may not have the information.
2. Providing information she does have or finding out information she doesn't currently have may increase a battered woman's danger. It may also increase risks to her children.

▼ **Defining cooperation:**

A state should not require a woman to provide **any particular item** of information in order to meet the cooperation requirement. For example, a woman should not have to provide the address of the children's father in order to meet the standard of cooperation. In addition, cooperation standards should not be "outcome" oriented. A state should not make the woman responsible for **finding** child's father, but rather for **providing information** so the IV-D agency can find him. Women should not be required to provide information if that will put them or their children in danger.

The Act states that individuals must cooperate "in good faith."⁷ Therefore, if a woman "in good faith" provides the information she has, her family should not be penalized for failure to cooperate. Even if the woman provides out of date or inaccurate information she is cooperating if it is the best information she has. For example, the father of her child may have lied to her about his identity.

Another aspect of cooperation may be attending a court hearing, participating in genetic tests to establish paternity, or attending appointments with the IV-D agency. The agency should provide flexibility to women who are caring for children, looking for work, participating in other work activities, looking for child care, and responding to requests from the IV-A agency. In addition, a battered woman's abusive partner may threaten her, or hurt her for attending IV-D required events. A batterer may also physically prevent a woman or the children from attending. If the woman is in hiding, then attending may allow him to locate and hurt her or the children. All these considerations should be incorporated into a state's definition of cooperation.

▼ **Defining good cause:**

Federal regulations have defined "good cause"⁸ to include risk of physical or emotional harm to the child or parent, the child was conceived as a result of incest or forcible rape, or the process or consideration of placing the child for adoption is underway. A state may choose to adopt or work from these existing federal regulations when developing its own regulations.

The following chart provides some considerations and suggestions for advocates if their state is working from the federal regulations. As the chart illustrates, the federal regulation narrowly defines the domestic violence good cause exception. Therefore, advocates may have more opportunity to define the domestic violence good cause exception in broader, more responsive terms in states that do not try to closely follow the language of existing regulations.

Paraphrased language from current federal regulations that define "good cause circumstances"	Consideration
<p>cooperation....is against the best interests of the child only if: the applicant's or recipient's cooperation... is reasonably anticipated to result in: (i)Physical harm to the child for whom support is to be sought;</p> <p>(ii)Emotional harm to the child for whom support is sought⁹;</p>	<p>The language in this section places the limitation that the physical or emotional harm be to the child for whom support is sought. There are circumstances where the harm may be to another child in the applicant's or recipient's care. E.g. A batterer threatens to kill both his partner's children if she tries to collect support for the child that is his.</p>
<p>cooperation....is against the best interests of the child only if: the applicant's or recipient's cooperation... is reasonably anticipated to result in: (iii)Physical harm to the parent or caretaker relative with whom the child is living which reduces such person's capacity to care for the child adequately; (iv)Emotional harm to the parent or caretaker relative with whom the child is living, of such nature or degree that it reduces such person's capacity to care for the child adequately¹⁰;</p>	<p>This language places two significant limitations on battered women's ability to meet the "good cause" exception.</p> <ol style="list-style-type: none"> 1. It requires that the physical or emotional harm reduces the person's capacity to care for the child. Advocates should seek to have this condition removed. 2. It requires that the physical harm be towards the parent or caretaker of the child, even though batterers may threaten and harm other family members or friends in order to keep their control of their partners.
<p>"Physical harm and emotional harm" must be of a "serious nature in order to justify a finding of good cause..."¹¹</p>	<p>The law requires the harm to be "serious." Although emotional harm may require such a qualifier in order to distinguish appropriate circumstances to allow an exception to cooperation, credible evidence of physical harm alone should be enough.</p>
<p>OR the State believes that because of one of the following circumstances cooperation would be "detrimental to the child for whom support is sought.</p> <p>(i)The child for whom support is sought was conceived as a result of incest or forcible rape;</p>	
<p>(ii)Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or</p> <p>(iii)The applicant or recipient is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption, and the discussions have not gone on for more than 3 months.¹²</p>	

▼ **Defining other exceptions:**

If the state has absolute requirements about obtaining certain information from an applicant or recipient, then additional exceptions are also necessary to protect an applicant or recipient who has incomplete or inaccurate information.

Example:

- A state requires applicants or recipients to provide the correct name of the father of the child. The woman's partner gave her a false name and lied about other aspects of his life. The woman provides this false information to the state.

NOTE: This woman would also meet the cooperation standard because she provided the information she had about the father of the child in "good faith." Therefore, the woman would not need an "exception."

Although each state has broad discretion in defining "other exceptions," the Act requires all the exceptions, including good cause, must take "into account the best interests of the child."¹³

NOTE: Process should provide a meaningful opportunity for battered women and other applicants or recipients to meet the good cause or other exception standards.

There are two fundamental questions:

1. What information will an applicant or recipient have to provide to qualify for a good cause or other exception?

Federal regulations have defined "proof of good cause claims"¹⁴ in a way that allows for a variety of corroborating evidence, including:

- "Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father¹⁵ or absent parent might inflict physical or emotional harm on the child or caretaker relative;"
- "Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances...."
- "Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape."¹⁶

In addition, the language in the regulations allows a state to investigate and find good cause even when the woman does not submit corroborating evidence when the claim is based on anticipated physical harm.¹⁷

However, there is language in this regulation which says a state conducting an investigation must contact the absent parent or putative father if the state determines it is necessary to establish the good-cause claim. The regulation also requires the state to contact the applicant or recipient before making contact with the absent parent or putative father to allow her to:

- (i) provide additional corroborative evidence so that contact is unnecessary;
- (ii) withdraw her application for assistance; or
- (iii) have the good-cause claim denied.

This language does not specifically provide for a circumstance in which a battered woman can not provide additional evidence, needs assistance, and faces harm if contact with the father of her child will result in harm.

2. Which agency will be responsible for the determination and what process will it use?

Which agency:

The Act requires the IV-D (child support) agency to make the determination of whether an individual is cooperating. Good cause or other exceptions can be made by the IV-D, IV-A (TANF), or Medicaid agency.

□ Considerations for advocates:

- Which agency/combination of agencies is most likely to respond well to battered women?

NOTE: This might include considering the caseload of the agency's staff, how frequently the staff has face-to-face contact with its clients, and the overall "culture of the office."

- How will information be shared?
- How will confidential information be protected? How will computer systems interface?
- Will the approach ensure due process rights are met?
- How will the state ensure accurate, consistent information is provided across agencies?
- How will the state ensure individuals are not "bounced" back and forth between agencies?

▼ **Elements of an effective process:**

1. Notice:

It is important that state programs ensure that battered women understand:

- the cooperation requirement and possible penalties,
- the potential benefits and disadvantages of paternity establishment and child support enforcement,
- the process used for paternity establishment and child support enforcement, so she can assess whether it will increase risks for her or her children,
- the availability of good cause or other exceptions to cooperation requirements and the process for applying,
- any other waivers or exceptions available, including those under the Family Violence Option if the state has included it in its state plan. (See paper # 2 for more information regarding the Family Violence Option.)

Every applicant for assistance should be given both written and oral notice that is consistently and clearly articulated, repeated, and provided in a language understood by the applicant or recipient. Notification should be prior to any questions about paternity or child support.

2. Trained and sensitive staff:

Staff making good cause and other exceptions determinations must understand the issues of domestic violence, child abuse, and rape. In addition, they must be able to provide a safe environment for applicants or recipients to disclose the details necessary to qualify for the exception. It may not be possible to train all enforcement and paternity establishment staff; specially trained staff or specialized units may be a more feasible and effective strategy.

3. User-friendly process with access to advocacy:

- Accessible forms that are easy to complete.
- A clearly articulated process available for those who can not read or write.
- A process available for those who do not communicate in English.
- Access to legal information, including the opportunity for a hearing, appeal or other due process procedure.
- Access to advocacy, including referrals to local agencies providing such advocacy.

The process should not increase risks for battered women or their children.

- Disclosure of domestic violence should be voluntary, informed, and allowed to occur at any point in the process.
- This means a woman should understand why disclosure may help her and her children, have time to consider any potential negative consequences and have the opportunity to talk with an advocate.
- When a woman discloses family violence information for a particular purpose (e.g., to establish a good cause exemption), the information gathered should be used solely for that purpose.
- Family violence information should be considered confidential. Confidential information must be protected from inappropriate, unauthorized, or accidental disclosure.
- The battered woman should decide what, if any, contact the state has with an alleged batterer. Safety considerations should take precedence.

If the state has any indication or reason to believe that an applicant or recipient may be a victim of family violence, the state should NOT contact the person believed to be the perpetrator of such violence for the purposes of corroborating evidence (trying to confirm the battered woman's statement or documentation of abuse) UNLESS the applicant or recipient gives her informed written permission to do so.

Any time a person believed to be the abusive partner/ex-partner of an applicant or recipient is contacted for any reason, such as securing child support, the state shall only disclose such information as is necessary to accomplish the reason for such contact and shall not disclose any information about the applicant or recipient or any information that may endanger the applicant or recipient or her children. Such information might include information that she is afraid of him, her location, the location of the child's school or day care or other details about her life or children.

Any documentation produced by the state should prominently display confidentiality procedures.

Adopt the minimum reduction in assistance for non-cooperation required by the Act.

Most applicants and recipients will cooperate with child support efforts because it can result in a direct benefit to their children. The Act requires states to reduce TANF assistance by 25% for families that do not "cooperate." In addition, time limits on TANF assistance create an additional incentive to applicants or recipients to cooperate. States should not reduce a families grant by more than the required 25%. Reductions are not likely to increase cooperation.

B. Databases, including the Federal Parental Locator Service

The Act introduces and strengthens a number of provisions to make it easier to find absent parents. One strategy is to develop a number of databases to locate absent parents and track the enforcement of child support orders. These include:

- State New Hire Directory¹⁸: employers must report newly hired employees "new hires" to the state which must operate a state directory of new hires.
- State Case Registry¹⁹: State IV-D agency's automated system must include a central case registry of all IV-D cases and support orders established or modified in the state after 10/1/98.
- Federal Parental Locator Service²⁰: is expanded and can now be used to: establish parentage, set, modify or enforce child support orders, and enforce custody and visitation orders.

NOTE: There are protections in place for custodial parents and specific protections prohibiting disclosure when the state has reasonable evidence of domestic violence or child abuse and disclosure could be harmful to the parent or child.²¹

- National Directory of New Hires²²: will be part of the FPLS and contain employment information about every person recently hired. The directory must be established by 10/1/97.
- Federal Case registry of Child Support Orders²³: will be part of the FPLS and contain an abstract of every IV-D child support order and orders issued or modified after 10/1/98.

The state databases will be fed into the Federal databases. In addition to establishing these databases, the Act requires that information in the various databases be regularly compared. When the comparison reveals a match, a report is then made to the state agency responsible for the case. ²⁴

The Act contains strong language restricting disclosure and use of the information in the FPLS. For example, the Act directs HHS to "establish and implement safeguards with respect to the entities established under the FPLS section of the Act designed to: (1) ensure the accuracy and completeness of the information...; and (2) restrict access to confidential information in the FPLS to authorized persons, and restrict use of such information to authorized purposes."²⁵

The Act also prohibits the release of information on the whereabouts of a person when the person has a protective order or where release of information may result in physical or emotional harm.²⁶

Example:

- Jane has a protective order to protect her from John. The Act prohibits the release of information to John about Jane's whereabouts.

❑ **Policy Considerations and Recommendations:**

To the extent these databases and services help enforce proper court orders, they will be a great benefit. However, if a battered woman is in hiding to protect herself and/or her children, then these databases may make it easier for her abusive ex-partner to find her. [This situation may also arise when a batterer has the child and is seeking child support from the child's mother who is hiding from him for her safety.]

- Most of this system is still being implemented or will undergo tremendous change. As the system implementation proceeds advocates should consider:
- How will privacy protections be implemented? e.g.. How will access be limited to authorized users for authorized purposes?
- How protections for battered women and abused children will be implemented?
- How to document use and effectiveness of the system, including any breaches of privacy or protocol

C. Paternity establishment process

(See cross reference Section A: "Mandatory reduction of TANF..." on p. 3)

When a child is born to a married woman, the law presumes the child is the husband's. Therefore, the paternity establishment process focuses on children born to mothers who are not married. Once paternity is established, the biological father becomes the "legal father." He immediately has rights and responsibilities. The responsibilities include supporting the child and the rights, depending on the state, may include joint legal custody or the opportunity to pursue custody.

The Act provides incentives and expedited processes to facilitate the establishment of paternity.

❑ **Incentives:**

In order to avoid financial sanctions, the state must meet a certain "paternity establishment percentage"(PEP). The Act sets the PEP at 90% or allows states with a lower PEP to show they have improved their PEP from the prior year. For example, a state with a PEP between 75% and 90% must show a 2% improvement from the previous year to comply. "Good cause exceptions" are not included in this calculation.

❑ **Expedited processes:**

The Act requires states to implement expedited procedures for paternity establishment. This includes the requirement that a signed voluntary acknowledgment of paternity is considered a legal finding of paternity subject to certain rights to rescind within 60 days in most circumstances. Because of the potential legal and financial implications of paternity establishment, the Act also requires that mothers and putative (alleged) fathers are given written and oral notice, before they sign, of the alternatives to signing, the legal consequences of signing, and the rights and responsibilities that arise from signing.²⁷

NOTE: In 1993 federal law required state's paternity establishment procedures to "include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child." ²⁸ Hospital-based programs raise a number of concerns regarding the "voluntariness" of the acknowledgment. For example, it may be more difficult to keep hospital staff up to date on all the legal and notice requirements. Also, mothers who have just given birth are not typically in the best condition to consider detailed legal information about the consequences of the acknowledgment.²⁹

❑ **Policy considerations and recommendations:**

For some battered women the establishment of paternity may lead to emotional and financial support for their child. For other women, it can initiate custody and visitation fights, child support orders that aren't paid, and physical and emotional violence against her and/or the child.

As with other aspects of the Act, battered women must have a meaningful opportunity to decide what is best for themselves and their children. The expedited paternity process (including the required notification before signing an acknowledgment of paternity) should provide battered women with a meaningful opportunity to consider their decision and receive good cause and other exceptions from cooperation with the paternity process. [see section I, 1 for more information.]

II. Key child support enforcement provisions for Indian tribes:

☐ Child support enforcement agreements:

The Act requires that a state plan for child and spousal support³⁰ (different from a TANF state plan) may provide

- ▼ that a state which has within its borders Indian country may have a cooperative child support agreement with the Indian tribe or tribal organization if the tribe or organization demonstrates that it has an established tribal court system or a Court of Indian Offenses with the authority to establish paternity, establish, modify and enforce support orders, and to enter support orders in accordance with child support guidelines established by the tribe or organization. Under the agreement, the tribe and state shall provide for cooperative delivery of child support enforcement services in Indian country and for the forwarding of all funding collected to be distributed.

☐ Direct federal funding to Indian tribes and tribal organizations:

The federal government can make direct payments to an Indian tribe or tribal organization which has an approved child support enforcement plan for the control and monitor the support enforcement and collection and paternity determination process under the state plan.³¹

Key points about child support — At a glance....

- ▼ The law requires TANF applicants and recipients to cooperate with child support enforcement or face a denial of their request for assistance or the reduction or elimination of assistance they already receive.
- ▼ Cooperation with child support enforcement and paternity establishment procedures will place some battered women and their children at risk.
- ▼ Child support enforcement and paternity establishment will help many battered women and their children.
- ▼ For some battered women the establishment of paternity may lead to emotional and financial support for their child. For other women, it can prompt custody and visitation fights, child support orders that are not paid, or physical and emotional violence against her and/or the child. Paternity establishment procedures must provide meaningful notice regarding the legal rights, responsibilities, and consequences of establishing paternity.
- ▼ Women and children at risk should not have to cooperate in order to get full assistance. This will require states to develop:
 - appropriate legal definitions of cooperation and permissible exceptions to cooperation;
 - effective notice to applicants and recipients of the exceptions and the process for receiving one;
 - a process that is user-friendly and provides support enforcement staff knowledgeable about family violence and the application of exceptions to the cooperation requirement;
- ▼ The creation and expansion of databases, including the Federal Parental Locator Service, will make it easier to find absent parents. To the extent these databases and services help enforce proper court orders, they will be a great benefit. However, if a battered woman is hiding to protect herself and/or her children, then these databases may also make it easier for her abusive ex-partner to find her and the children. Some of the decisions a battered woman needing TANF assistance might have to make:
 - Should I cooperate with child support enforcement and if I do will I face violent retaliation from my child's father?
 - Should I not cooperate in order to avoid the violence and have my family's assistance reduced or eliminated?
 - Should I cooperate to keep my assistance and face retaliation from my ex-partner, even though I know he's never worked and will never pay child support?
 - Should I disclose very private and difficult information to a stranger so I can keep my benefits?
 - Should I cooperate with paternity establishment in order to keep my family's benefits, even though I know he is dangerous to his child and paternity will eventually lead to him gaining legal access to the child?

Terms

IV-D agency: refers to the agency that handles child support and paternity establishment. It is called "4 D" because child support and paternity establishment are found in subchapter IV, section D of the Social Security Act. Note: Sometimes a number of state agencies deal with different aspects of these issues.

IV-A agency: refers to the agency that handles TANF programs. It is called "4 A" because block grants to states for temporary assistance to needy families is found in subchapter IV, section A of the Social Security Act.

Putative father: is a term used to describe a man who is alleged to be the father of a particular child.

Regulations: are laws created by government agencies that provide implementation details for legislation/statutes.

Endnotes

- (1) P.L. 104-193.
- (2) TANF is the block grant program that replaces the AFDC program.
- (3) §408(a)(2)
- (4) Regulations are laws created by government agencies that provide implementation details for legislation/statutes.
- (5) This paper uses language that assumes the father is the non-custodial parent.
- (6) 45 CFR §232.42 Good cause circumstances.
- (7) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 §333.
- (8) 45 CFR §232.42 Good cause circumstances.
- (9) 45 CFR §232.42(a)(1).
- (10) 45 CFR §232.42(a)(1).
- (11) 45 CFR §232.42(b).
- (12) 45 CFR §232.42(2).
- (13) PRA §333(A)(I).
- (14) 45 CFR §232.43 Proof of good-cause claim.
- (15) Putative father is a term to describe a man who is alleged to be the father of a particular child.
- (16) 45 CFR 232.43(c).
- (17) 45 CFR 232.32(f).
- (18) PRA §313.
- (19) PRA §311.

Endnotes continued

- (20) PRA §316, 345.
- (21) PRA §316(a)(3).
- (22) PRA §316(l).
- (23) PRA §316(h).
- (24) PRA §316(j).
- (25) PRA §316(l) & (m).
- (26) PRA §303.
- (27) PRA §331.
- (28) 42 U.S.C. §666(5)(C)(ii).
- (29) The Act provides for birth records agencies to take binding paternity acknowledgements.
- (30) Spousal support is sometimes also referred to as alimony. The federal law regarding child support also includes provisions for the collection of spousal support for custodial parents.
- (31) PRA §375(b).