

# S. 503, the Parents Act of 2021

September 8, 2021

The PARENTS Act of 2021 (S. 503) passed the Senate by a voice vote on July 27, 2021. This proposal would allow [Child Support Enforcement \(CSE\) incentive funds](#) to be spent by CSE programs on certain parenting time-related activities without the need for an [exemption](#) from the [Office of Child Support Enforcement \(OCSE\)](#) in the U.S. Department of Health and Human Services. This Insight provides background on the CSE program, parenting time, and S. 503-proposed changes.

## CSE Program Overview

The [CSE program](#) was enacted in 1975 as a federal-state program in [Title IV-D of the Social Security Act \(SSA\)](#). All [50 states, the District of Columbia \(DC\), Guam, Puerto Rico, the Virgin Islands, and 61 tribal nations](#) operate IV-D CSE programs. The program provides services on behalf of children that include [parent location](#), the initial [establishment](#) and [review and modification](#) of child support orders, the [collection and distribution](#) of child support payments, and the [establishment and enforcement of medical support](#). The majority of all child support cases are [estimated](#) to be handled by the CSE program; the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between the parents.

The bulk of [IV-D CSE program funding](#) is from federal matching funds, which provide a partial reimbursement for every dollar a state, territorial, or tribal IV-D program spends on eligible CSE expenditures. Another major source of IV-D funding is [incentive funds](#) paid to the state, DC, and territorial programs (henceforth, with regard to incentive funds, “state programs”). [SSA Section 458\(f\)](#) requires state programs to [reinvest](#) incentive funds by expending them on activities also eligible for federal matching funds. It also allows states to request an OCSE [exemption](#) to allow incentive funds to be spent on approved activities that are not eligible for federal matching funds but “may contribute to improving the effectiveness or efficacy” of that program.

## Parenting Time

A [noncustodial parent’s](#) right to see their children is commonly referred to as [visitation or child access](#). [Parenting time agreements](#) are one way of effectuating this right by providing the time that the child will spend with each parent, [usually by deciding issues such as the regular schedule, vacations, and holidays](#). In the case of parents who were previously married to each other, parenting time typically is decided as part of divorce proceedings. For parents who were never married to each other, parenting time may be

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resolved informally or through legal proceedings. There is no requirement that child access be legally determined prior to a court or administrative body ordering child support, although [most states](#) account for the time a child will reside with each parent in their calculation of the support order. Less than 30% of all noncustodial parents are [reported](#) to have legally binding parenting time (*visitation*) agreements.

Generally, jurisdictions may take [any of several different approaches](#) to determining parenting time. A jurisdiction that uses *standard parenting time presumptions* would have in effect a default legal framework providing a parenting time schedule in the absence of an alternative plan agreed to by the parents or decided by the court. *Self-help resources* may be provided to parents on court websites or other avenues to allow them to independently develop a plan that can be subsequently approved by the court. *Mediation and facilitation* may be offered to parents to help them customize the approach they will take. There is [general agreement](#) that family violence issues must be adequately screened and accounted for prior to a parenting time order being adopted.

[Historically](#), federal law has usually treated child support and child access as separate issues. IV-D federal matching funds are unavailable to reimburse costs to assist with parenting time orders, and the use of incentive funds requires that an [exemption](#) be sought by a state program and granted by OCSE.

Recognizing the [negative long-term consequences](#) for children associated with parental absence, as well as [evidence](#) that contact between a child and the noncustodial parent can make it more likely that child support responsibilities will be met, policymakers have increasingly promoted efforts to address the connection between child support and child access. For instance, the CSE [Access and Visitation Grants \(SSA §469B\)](#) provide \$10 million each fiscal year for activities such as [mediation, counseling, education, development of parenting plans, and visitation enforcement](#). P.L. 113-183 (§303) included a Sense of the Congress that (1) establishing parenting time arrangements when obtaining child support orders is an important goal that should be accompanied by strong family violence safeguards, and (2) states should use existing funding sources to support the establishment of parenting time arrangements, including child support incentive funds, Access and Visitation Grants, and [Healthy Marriage Promotion and Responsible Fatherhood Grants](#).

In recent years, several states have [evaluated](#) the feasibility and effectiveness of CSE agencies' involvement with visitation and parenting time. Additionally, an OCSE multistate pilot program, [Parenting Time Opportunities for Children \(PTOC\)](#), evaluated how CSE agencies could integrate processes for establishing child support orders and parenting time agreements with sufficient family violence safeguards, and the effects of those agreements on family relationships and child support. According to the [2019 OCSE research brief on PTOC](#), "Evaluators of the project sites confirmed that parents appreciate the opportunity to address parenting time and feel that it increases the fairness of child support. Furthermore, PTOC appears to help some parents with improved relationships, more time with their children, and some small increases in child support compliance."

## S. 503 Proposed Changes

S. 503 would allow state IV-D programs to expend their [incentive funds](#) on certain parenting time-related activities without the need to apply for and receive an OCSE [exemption](#). Specifically, these funds could be used to "develop, implement, and evaluate procedures" for establishing a parenting time agreement concurrently with an initial or modified child support order or medical support order. Allowable uses of these funds would include procedures to carry out parenting time agreements made prior to the establishment or modification of support orders. Incentive funds would only be available (without an exemption) for agreements not contested by either parent.

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