

Employment and Training Services for Noncustodial Parents in the Child Support Program: Background and Summary of Proposed Rule

June 14, 2024

All 50 states, the District of Columbia (DC), Guam, Puerto Rico, the U.S. Virgin Islands, and [certain tribal nations](#) operate [Child Support Enforcement \(CSE\) programs](#) pursuant to [Title IV-D \(§§451-469\) of the Social Security Act \(SSA\)](#). The program is federally administered by the Office of Child Support Services (OCSS) in the [Administration for Children and Families \(ACF\)](#) of the [U.S. Department of Health and Human Services \(HHS\)](#). Program services include [parent location](#) and the [establishment, modification, and enforcement](#) of child support orders. CSE is estimated to handle [the majority of all child support cases](#); the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between parents. [State CSE program financing](#) is primarily provided through a 66% federal reimbursement (federal financial participation [FFP]) of approved IV-D program activities under the [SSA \(§455\)](#).

Title IV-D of the SSA does not explicitly address whether employment and training services for noncustodial parents are allowable CSE program activities; federal CSE funding for such activities has only been allowed in limited circumstances to date. However, on May 31, 2024, HHS issued a [notice of proposed rulemaking \(NPRM\)](#) that would make available FFP for this purpose pursuant to general program authorities in [SSA Section 452\(a\)\(1\)](#) and [Section 454\(13\)](#). This Insight provides background on these issues and a summary of the NPRM. For further information on this topic, see CRS Report R46365, *Child Support Enforcement-Led Employment Services for Noncustodial Parents: In Brief*.

Background

[SSA Section 466\(a\)\(15\)](#) was enacted as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193). It requires that states have procedures to order noncustodial parents who owe past-due support on cases where the custodial family receives cash assistance under the [Temporary Assistance for Needy Families program \(TANF\)](#) to participate in work activities. HHS previously [provided guidance](#) that this provision would allow FFP to reimburse limited

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IN12379

employment support referral services and tracking for CSE purposes, but would not allow federal reimbursement for the administration of “work activity programs.”

In the years since PRWORA, numerous states have experimented with providing work-oriented services for noncustodial parents through their CSE programs. There are [limited federal funding streams](#)—both within the CSE program and via other federal programs—available specifically for noncustodial parents. A [2014 HHS study](#) identified a total of 77 such programs operated by 30 states and DC; many of these are not currently in operation due to a [lack of stable financial resources](#).

Also in 2014, HHS released an [NPRM \(November 17, 2014\)](#) that [would have made FFP available](#), at state option, to provide “[job services for eligible noncustodial parents](#)” that met certain criteria. The [authority cited by HHS](#) specific to that proposal was [SSA Section 454\(13\)](#), which requires that state plans certify compliance “with such other requirements and standards as the Secretary determines to be necessary to the establishment of an effective program.” Ultimately, HHS decided not to include this state option in the [final rule \(December 22, 2016\)](#), stating “we think allowing for federal IV–D reimbursement for job services needs further study and would be ripe for implementation at a later time.” Subsequently, a 2018 information memorandum ([IM-18-02](#)) encouraged states to seek HHS approval to use their CSE incentive funds ([SSA §458\(f\)](#)) for noncustodial parent work activities, but reaffirmed that FFP was not available for this purpose.

Several policy demonstrations have investigated whether providing CSE-led employment and training services for noncustodial parents might increase program effectiveness through measures such as earnings and child support payments. While some of these evaluations found these services had positive effects on one or more child support-related measures (e.g., [NCP Choices](#)), other, more recent evaluations with more rigorous research designs found limited child support impacts (e.g., [Child Support National Parent Employment Demonstration](#), [Enhanced Transitional Jobs Demonstration](#)). Analyses of different employment-related interventions also generally show that impacts [vary across programs](#), and may be related to the [types of services offered](#).

May 31, 2024, NPRM

The NPRM would create a state option to provide employment and training services via their IV-D programs that would be eligible for FFP as approved program activities. [OCSS’s rationale](#) for this proposal is that studies (such as those discussed above) have shown, in OCSS’s judgement, that providing these services can increase CSE program effectiveness. Additionally, [most child support is collected](#) through wage withholding attached to formal employment, and the program has an interest in preventing cases from accumulating unpaid child support. In citing the general program authorities in SSA Sections 452(a)(1) and 454(13) as its authority for this rule, OCSS notes that it continues to follow its prior interpretation of SSA Section 466(a)(15) (summarized above).

[Under this NPRM](#), those eligible for employment and training services are noncustodial parents with an open CSE case who (1) have either a current order or are fully cooperating with the CSE agency to establish such an order and (2) are “unemployed or underemployed or at risk of not being able to comply with their current support order.” Eligible individuals cannot be receiving the same services under other specified federal programs, such as TANF, the [Supplemental Nutrition Assistance Program Employment and Training program](#), the [Federal Pell Grant](#), and the [DOL Title I Workforce Innovation and Opportunity Act programs](#). (States may add additional eligibility criteria.) The NPRM would limit allowable services to

- job search assistance;
- job readiness training;
- job development and job placement services;

- skills assessments to facilitate job placement;
- job retention services;
- work supports, such as transportation assistance, uniforms, and tools; and
- occupational training and other skills training directly related to employment.

FFP would not be available for subsidized employment or cash payments to program participants.

The NPRM suggests CSE agencies utilize existing employment and training providers as they seek to provide these services to noncustodial parents.

OCSS estimates the annual federal fiscal impact of the NPRM as \$15.5 million in FY2025, increasing to \$75.9 million in FY2034.

Comments about the NPRM are due to ACF on July 30, 2024, after which it will consider whether to finalize this proposal.

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