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THE OFFICE OF CHILD SUPPORT ENFORCEMENT

Giving Hope and Support to America's Children

Collection of Support for Certain Adults REGULATION January 7, 1983

ACTION TRANSMITTAL

OCSE-AT-83-2

January 7, 1983

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: Final rule with comment period - Collection of Support for Certain Adults

REGULATION

REFERENCE: 45 CFR Parts 301 through 305.

ATTACHMENT: Attached are final rules with a comment period which allow States, at their option, to collect and enforce support obligations from an absent parent both for the child or children and the spouse or former spouse. The spouse or former spouse must be living with the child or children and the family may either be receiving aid under title IV-A of the Social Security Act or not otherwise eligible (non-AFDC). A State may not attempt to establish a spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all existing collection mechanisms and enforcement remedies which are available to collect and enforce child support. These regulations implement section 2332 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981, and section 171(a)(1) of Pub. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982.

SUPERSEDED

MATERIAL: OCSE-AT-81-25, dated October 19, 1981.

EFFECTIVE

DATE: December 23, 1982.

COMMENT

PERIOD: Consideration will be given to written comments and suggestions received by the Director, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, Maryland 20852, on

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or before February 22, 1983.

INQUIRIES TO: OCSE Regional Representatives.

_____, Deputy Director

Office of Child Support

Enforcement

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office Of Child Support Enforcement

45 CFR Parts 301, 302, 303, 304, and 305

Child Support Enforcement Program Collection of Support for Certain Adults

Agency: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule with comment period.

SUMMARY: Section 2332 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981, provides that, at its option, a State may collect and enforce support obligations from an absent parent both for the children and the spouse or former spouse who is receiving aid under title IV-A of the Social Security Act (the Act) and with whom

the children are living. A State may not attempt to establish a spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all existing collection mechanisms and enforcement remedies to collect and enforce child support. Section 171(a)(1) of Pub. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, allows States to collect spousal support in non-AFDC cases. These regulations implement section 2332 of Pub. L. 97-35 and section 171(a)(1) of Pub. L. 97-248, and supersedes OCSE-AT-8125, issued October 19, 1981.

DATES: Effective December 23, 1982. Consideration will be given to written comments received by February 22, 1983.

ADDRESS: Address comments to: Director, OCSE, Department of Health and Human Services, Room 1010, 6110 Executive Boulevard, Rockville, Maryland 20852, ATTN: Policy Branch. Comments will be available for public inspection Monday through Friday, 8:30 am. to 5:00 pm., in Room 1010 of the Department's offices at the above address.

FOR FURTHER INFORMATION CONTACT:

Marianne Rufty (301) 443-5350.

SUPPLEMENTARY INFORMATION:

Statutory Provisions

Prior to the enactment of Pub. L. 97-248, the Social Security Act (the Act) only allowed States to collect and enforce child support obligations. When there was a single support order which represented an obligation for both spousal and child support, the IV-D agency was not authorized to collect, distribute or enforce the spousal support obligation under the IV-D State plan, even though spousal support must be assigned to the State under section 402(a)(28)(A) of the Act as a condition of receipt of aid under title IV-A of the Act. This situation created enormous difficulties in determining how to account for and distribute the collections which were made in these situations.

Section 2332 of Pub. L. 97-35, effective on October 1, 1981, amended sections 451, 452, 453, 454, 457 and 480 of the Act to allow States the option of collecting and enforcing certain spousal support. Section 171(a)(1) of Pub. L. 97-248, effective on August 13, 1981, amended section 454(6)(A) of the Act to allow States to collect and enforce certain spousal support in non-AFDC cases.

Section 451 of the Act was expanded to authorize appropriations for collecting and enforcing support obligations for children and the spouse (or former spouse) with whom the children are living.

The State plan requirement under section 454(4)(B) was amended to include, at the option of the State, securing support from an absent parent for a spouse (or former spouse) who is receiving Aid to Families with Dependent Children (AFDC) under title IV-A of the Act. A State may collect spousal support only if a support obligation has already been established for that spouse. States are not permitted to attempt to establish obligations for spousal support nor are they permitted to collect and distribute monies which represent payment of

spousal support obligation if there is no child support included in the obligation.

Sections 454(5) and (11) were expanded to provide that spousal support collected on behalf of AFDC families will be distributed in the same manner as child support. Section 454(9), which requires cooperation between States, was amended to require States to cooperate with any other State in securing child or spousal support from an absent parent living in the State. Section 454(18), which allows a State to establish comprehensive automatic data processing and information retrieval system qualifying for Federal financial participation (FFP) at the 90 percent rate was amended to include accounting for and monitoring all support collected or enforced by the State.

Section 454(18), added by section 2331 of Pub. L. 97-35, requires States to submit delinquent AFDC cases involving child and spousal support to the Secretary of the Treasury for collection by Federal tax refund offset. Section 171(a)(3) of Pub. L. 97-248 amended section 454(8)(C) of the Act to allow States to recover costs, in excess of any application fee, of providing IV-D services to non-AFDC families from the absent parent or from the collection made on behalf of the non-AFDC family, subject to certain conditions. This provision replaced the requirement under section 2335 of Pub. L. 97-35 that States charge the absent parent who owes support a fee equal to 10 percent of the amount owed. Section 2333 of Pub. L. 97-35 added section 454(20) of the Act (redesignated as section 454(19) by section 171(b)(1)(C) of Pub. L. 97-248) which requires IV-D agencies, beginning October 1, 1982, to determine if any individuals who owe support are receiving unemployment compensation and to enforce unmet obligations by withholding unemployment compensation through voluntary agreement with the individual or through legal process (garnishment). Interim final regulations with a comment period implementing the Federal tax refund offset provision were published on February 19, 1982 [see 47 FR 7425]. Separate regulations will be issued to implement other provisions of Pub. L. 97-35 and Pub. L. 97-248.

Section 457 of the Act was amended to allow a State, in accordance with its State plan, to collect both child and spousal support for 5 months after a family ceases to receive AFDC, and, if the State is authorized by the family on whose behalf the collection will be made, to continue to collect both child and spousal support after that 5-month period.

In addition to the provisions discussed above, section 2332 of Pub. L. 97-35 amended title IV-D to allow States to use existing child support collection and enforcement procedures and systems for the collection and enforcement of spousal support in cases which meet the statutory requirements. Section 453 of the Act was amended to allow authorized individuals to use the Federal Parent Locator Service (PLS) to locate absent parents for the purpose of recovering amounts owed as child and spousal support. Under the amended section 480 of the Act, the Federal courts may be used for the enforcement of child and spousal support obligations. Section 452(b) of the Act was amended to require the Secretary of HHS, upon request by a State, to certify for collection by the Internal Revenue Service (IRS) the amount of any child support obligation assigned to the State, including any spousal support obligation for a parent who is living with the child. Subsection (b) was amended further to allow certification to the IRS of the amount of support owed under an administrative order, in addition to a court order, and to require States to reimburse the Secretary of the Treasury, instead of the United States, for any costs involved in making the collection. Regulations implementing section 402 of Pub. L. 96-265 which make IRS full collection services available to individuals who are not receiving AFDC were published on April 14, 1982 at 47 FR 18027. Those regulations do not require further revision by this document in order to apply to spousal support.

Finally, the duties of the Secretary of HHS under section 452 of the Act to establish standards for State programs, provide technical assistance to States, and report annually to Congress were expanded to include spousal support.

Section 171(a)(1) of Pub. L. 97-248, enacted on September 3, 1982, and effective on August 13, 1981, amended section 454(6)(A) of the Act to permit spousal support collection and enforcement services to be provided to individuals not eligible for AFDC. Therefore, States have the option of collecting spousal support in non-AFDC as well as AFDC cases.

OCSE issued interim instructions to IV-D agencies on the collection of spousal support in an Action Transmittal dated October 19, 1981 (OCSE-AT-81-25). That Action Transmittal is superseded by these regulations.

Changes to Existing Regulations

The collection and enforcement of spousal support is optional for States. If a State chooses to collect spousal support, it may use all existing collection and enforcement procedures and systems for those cases which meet the requirements of the statute. The procedures and systems include use of the Federal courts for the enforcement of court orders (45 CFR 303.73), the full collection services available from the Secretary of the Treasury (45 CFR 303.71), collection of past-due support owed to AFDC families from Federal tax refunds (45 CFR 302.60), and use of the Federal Parent Locator Service (PLS) to locate absent parents (45 CFR 302.35 and 303.70). With the exception of the Federal tax refund offset which is available in AFDC cases only, all support and enforcement services with respect to spousal support are available to non-AFDC individuals who request them. If a State chooses to collect spousal support, it must do so on a statewide basis for both AFDC and non-AFDC cases.

If a State chooses to collect spousal support, all spousal support payments must be made to the State IV-D agency for distribution, as are child support payments, in accordance with the requirements of 45 CFR 302.51. Spousal support collections are also eligible for incentive payments as provided in 45 CFR 302.51(b)(2), (b)(4), and (f)(2) in accordance with 45 CFR 303.52. A State may choose to continue to collect spousal support for a period of time not to exceed five months after a family ceases to receive AFDC if its State plan permits continuing the collection of support for that period of time in accordance with 45 CFR 302.51(e). At the end of the five month period, the State may continue to collect spousal support if authorized by the individual on whose behalf the collection will be made and pay the net amount collected to the Individual after deducting any costs incurred in making the collection. Additionally, if a State has chosen to collect spousal support, in order to qualify for FFP at the 90 percent rate for the development of a comprehensive child support enforcement system in accordance with 45 CFR 302.85, the system must provide for the collection and distribution of spousal support.

We are implementing the statutory requirements by adding or deleting language in the existing regulations to extend collection and enforcement provisions to include spousal support. To the extent possible, we are simply deleting the word "child" wherever it appears before the word "support" to indicate that the regulatory provision applies to any support collected or enforced. However, in certain circumstances this approach is not possible and alternative language is used for clarity. We are also making a few minor changes to correct inconsistencies or to make the regulations easier to read.

The changes are being made in 45 CFR Parts 301 through 305.45, CFR Part 306, Medical Support Enforcement, does not require amendment because this Part remains applicable only to support for children. Changes made in each part and to specific regulations are discussed below.

1. Part 301--State plan approval and grant procedures

Section 301.1 is amended to define spousal support as a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child for whom the individual also owes support. We are also revising § 301.1 by alphabetizing the definitions.

2. Part 302--State plan requirements.

Minor changes are necessary to many sections in Part 302 to include spousal support in the State plan requirements addressed in each section. We are not amending 45 CFR 302.50, support obligations, which can be

read to include spousal support as written. Either the word "child" is deleted wherever it appears before the word support," or "and spousal support" or a similar phrase is added for clarity in the following sections:

Sec.

302.15 Reports and maintenance of records. (See discussion following.)

302.17 Inclusion of State statutes.

302.19 Bonding of employees.

302.20 Separation of cash handling and accounting functions.

302.31 Establishing paternity and securing support. (See discussion following.)

302.32 Child support payments to the IV-D agency.

302.33 Individuals not otherwise eligible for paternity and child support services. (See discussion following.)

302.34 Cooperative arrangements.

302.35 State parent locator service.

302.36 Cooperation with other States. (See discussion following.)

302.37 Distribution of child support payments.

302.51 Distribution of child support collections.

302.85 Computerized child support enforcement systems eligible for 90 percent FFP.

The State plan preprint changes required by this regulation have been approved by OMB under OMB number 0960-0253.

45 CFR 302.15-Reports and maintenance of records. We are amending § 302.15 to require IV-D agencies to maintain records on the number of cases in which spousal support is collected. This requirement is necessary because the Secretary of HHS must include a separate identification of the number of child support cases in which spousal support was involved in his annual report to Congress which is required under section 452(a)(10)(C) of the Act. This information will be collected on the revised OCSE-3, Child Support Enforcement Activities and Staff under Title IV-D of the Social Security Act.

The public is required to comply with the information collection requirements of § 302.15 of this rule. These requirements have been approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act (Pub. L. 96-511). The OMB approval number is 0960-0154.

45 CFR 302.31 establishing paternity and securing support. Section 302.31 is revised to provide States with the option of collecting support for a spouse receiving AFDC, if support is also being collected for a child receiving AFDC with whom the spouse is living. Spousal support may be collected when the

order specified separate amounts for the child and the spouse or when the order combines child and spousal support into a single amount. The collection and enforcement of spousal support will normally occur with respect to support obligations containing both child and spousal support which are currently in existence for IV-D cases or with respect to those in existence at the time the case is referred to the IV-D agency by the IV-A agency. This provision does not authorize States to attempt to establish such an obligation or to establish, collect or enforce any obligation which provides only for spousal support. If, however, a child and spousal support obligation is established under a single support order at the direction of a judge or similar official over whom the IV-D agency has no control, States may collect and distribute the spousal support covered by such an order.

45 CFR 302.33--Individuals not otherwise eligible for paternity and child support services. Congress, in enacting section 2332 of Pub. L. 97-35, did not specifically include spousal support in section 454(8)(A) of the Act which makes child support enforcement and collection services available to individuals who are not AFDC recipients. However, section 171(a)(1) of Pub. L. 97-248, enacted on September 3, 1982, amends section 454(6)(A) of the Act to permit spousal support collection and enforcement services to be provided to individuals not otherwise eligible for AFDC. The amendment made by section 171(a)(1) is effective August 13, 1981. We are, therefore, amending 45 CFR 302.23 to allow States to provide spousal support enforcement and collection services to non-AFDC individuals who request them.

45 CFR 302.36--Cooperations with other States. Collection and enforcement of spousal support is optional for States in intrastate cases. However, the amended section 454(9)(C) of the Act extends the interstate cooperation requirements to the collection and enforcement of spousal support obligations. Therefore, States must, regardless

of whether or not they have chosen to collect spousal support in their own State, cooperate with any other State which requests assistance in collecting and enforcing spousal support.

3. Part 303--Standards for program operations.

We are not amending the following sections because they can be read to include spousal support as written: 303.2, Maintenance of case records; 303.3, Location of absent parents; 303.21, Safeguarding information; 303.52, Incentive payments to States and political subdivisions; 303.71, Requests for collection by the Secretary of the Treasury; and 303.73, Applications to use the Courts of the United States to enforce courts orders.

We are, however, making technical changes to a number of other sections in Part 303 to include spousal support. Since these changes are similar to changes in Part 302--State plan requirements--i.e., deleting the word "child" wherever it appears before the word "support" or inserting the words "support," "andspousal support," or a similar phrase--they are not discussed in further detail below.

The following sections of Part 303 are amended:

Sec.

303.6 Enforcement of support obligations

303.7 Cooperation with other States.

303.20 Minimum organizational and staffing requirements.

303.65 Approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP.

303.66 Review of computerized child support systems eligible for 90 percent FFP.

303.67 Suspension of approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP.

303.70 Requests by the State Parent Locator Service for information from the Federal Parent Locator Service.

4. 45 CFR Part 304--Federal Financial Participation

When a State chooses to collect spousal support, Federal financial participation (FFP) is available for the administrative costs of collecting and processing the spousal support in those cases which meet the statutory requirements. If a State does not choose to collect spousal support itself but collects spousal support in an interstate case, incentive payments under section 458 of the Act and FFP for the administrative costs of collecting, distributing or otherwise processing spousal support in the interstate case are available.

Minor changes are necessary to several sections in Part 304 to provide for FFP in the costs of collecting and processing spousal support. Because the changes are technical in nature they are not discussed in more detail in this preamble. The following sections of Part 304 are amended to clarify the circumstances under which FFP is available:

Sec.

304.20 Availability and rate of Federal financial participation

304.21 Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.

304.22 Federal financial participation in purchased child support enforcement services.

304.23 Expenditures for which Federal financial participation is not available.

304.28 Determination of Federal share of collections.

304.90 Federal financial participation at the 90 percent rate for computerized child support enforcement systems.

304.91 Federal financial participation at the 75 percent rate for computerized child support enforcement systems.

5. 45 CFR Part 305--Audit and Penalty.

We are not amending 45 CFR 305.32, Cooperation with other States, because it can be read to include spousal support as written. Minor changes are necessary, however, to Part 305 to

include spousal support by deleting the word "child" where it appears before the word "support." These changes are similar to changes in the State plan requirements under Part 302:

Sec.

305.20 Audit criteria.

305.28 Enforcement of support obligations.

305.27 Child support payment to the IV-D agency.

305.28 Distribution of child supports payments.

305.31 Individuals not otherwise eligible.

305.34 Cooperative arrangements.

Waiver of proposed Rulemaking

These regulations are being published in final form with a comment period. The Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, if the Department for good cause finds that a notice of proposed rulemaking is unnecessary, impracticable, or contrary to the public interest, it may dispense with the notice if it incorporates in the final regulations a brief statement of the reasons for doing so.

The Department finds that there is good cause to dispense with proposed rulemaking procedures with respect to these changes. We find that publication of these regulations in proposed form is unnecessary for the following reasons. Pub. L. 97-35, enacted August 13, 1981, was effective October 1, 1981. Section 171(a)(1) of Pub. L. 97-248, enacted on September 3, 1982, was effective August 13, 1981. The statute is explicit with respect to the requirements for the collection and enforcement of spousal support and leaves OCSE no discretion in implementing those requirements. Changes to the regulations are mainly technical since existing regulatory requirements, procedures, and services for the enforcement and collection of child support are merely expanded to include spousal support. These changes will result in increased collections and eliminate difficulties States encountered in determine how to collect and distribute child support when both child and spousal support are included in the same support order. In addition, since a comment period follows publication, any problems with these changes that are pointed out can be addressed immediately.

For these reasons, OCSE believes that there is sufficient cause to dispense with proposed rulemaking. Nonetheless, we wish to have the advantage of the information and opinions we may receive through public comments. We will consider any comments received.

List of Subjects

45 CFR Parts 301, 302, 303 and 304

Child welfare, Grant programs--social programs.

45 CFR Part 305

Child welfare, Grant programs--social programs, Accounting.

Regulatory Burden

The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have a significant

economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980. This rule implements section 2332 of Pub. L. 97-35 which allows States to collect spousal support. We estimate implementation of the spousal support provision will result in collections of 5 million each year from FY 1982 through 1988.

PART 301-[AMENDED]

1. 45 CFR Part 301 is amended by revising § 301.1 to read as follows:

§ 301.1 General definitions.

When used in this chapter, unless the context otherwise indicates:

"Act" means the Social Security Act, and the title referred to is title IV-D of this Act.

"Department" means the Department of Health and Human Services.

"Director" means the Director, Office of Child Support Enforcement, who is the Secretary's designee to administer the Child Support Enforcement program under title IV-D.

"Federal PLS" means the Parent Locator Service operated by the Office of Child Support Enforcement pursuant to section 452(a)(9) of the Act.

"IV-D Agency" means the single and separate organizational unit in the state that has the responsibility for administering or supervising the administration of the State plan under title IV-D of the Act.

"Office" means the Office of Child Support Enforcement which is the separate organizational unit within the Department with the responsibility for the administration of the program under this title. "Regional Office" and "Central Office" refer to the Regional Offices and the Central Office of the Office of Child Support Enforcement, respectively.

"Secretary" means the Secretary of Health and Human Services.

"Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

"State" means the several States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

The "State plan" means the State plan for child and spousal support under section 454 of the Act.

"State PLS" means the service established by the IV-D agency pursuant to section 454(8) of the Act to locate absent parents.

PART 302-[AMENDED]

2. 45 CFR Part 302 is amended as shown.

A. By revising 302.15(a)(1)(i) through (iv) to read as follows:

§ 302.15 Reports and maintenance of records.

(a) The State plan shall provide that:

(1) The IV-D agency will maintain records necessary for the proper and efficient operation of the plan, including records regarding:

(i) Applications pursuant to § 302.33 for support services available under the State plan;

(ii) Location of absent parents, actions to establish paternity and obtain and enforce support, and the costs incurred in such actions;

(iii) Amount and sources of support collections (including separate identification of the number of cases in which spousal support is collected) and the distribution of these collections;

(iv) Any fees charged or paid for support enforcement services;

* * * * *

B. By revising § 302.17 to read as follows:

§ 302.17 Inclusion of State statutes.

The State plan shall provide a copy of State statutes, or regulations promulgated pursuant to such statutes and having the force of law (including citations of such statutes and regulations), that provide procedures to be used in the determination of paternity of a child born out of wedlock, and to establish the child support obligation of a responsible parent, and to enforce the support obligation, including spousal support if the State has chosen to collect spousal support under § 302.31(a)(2) of this part.

§§ 302.19, 302.20, 302.32, 302.33, 302.37, 302.51, 302.52, and 302.85

[Amended]

C. By removing the word "child" where it appears in the following sections as follows:

1. In title headings for § 302.32, 302.33, 302.37, 302.51 and 302.85 of the Table of Contents;
2. Section 302.19 (b) and (e);
3. Section 302.20 (a) and (c);
4. the title of § 302.32;
5. Section 302.32 (a) and (e);
6. Section 302.33 title and text;
7. Section 302.37 title and text;
8. the title of § 302.51;
9. Section 302.51 (b)(2), (c) and (e);
10. Section 302.52(d);

11. The title of § 302.85; and

12. Sections 302.85(a)(2), (2)(ii), (3), (5), and (7); (b); (c); and (c)(2), (2)(i), (2)(v), (2)(ix), and (2)(x).

D. By revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that: (a) The IV-D agency will undertake: (1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any individual with respect to whom an assignment under § 232.11 of this title is effective, to secure support for a child or children from any person who is legally liable for such support, and, at the option of the State, from such person for his or her spouse (or former spouse) who is living with the child or children (but only if a support obligation has been established with respect to such spouse), using reciprocal arrangements adopted with other States when appropriate.

(b)(1) The IV-D agency will not undertake to establish paternity or secure support in any case for which it has received notice from the IV-A agency that there has been a finding of good cause under § 232.40 through 232.49 of this title except as provided in paragraph (c) of this section.

(2) Upon receiving notice from the IV-A agency that an applicant or recipient has claimed good cause, the IV-D agency will suspend all activities to establish paternity or secure support until notified of a final determination by the IV-A agency.

(c) The IV-D agency will not undertake to establish paternity or secure support if there has been a finding of good cause pursuant to §§ 232.40 through 232.49 of this title unless there has been a determination by the State or local IV-A agency that support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure support but may not involve the caretaker relative in such undertaking.

E. By revising § 302.34(a). The introductory text is not changed. It is shown for the convenience of the user.

§ 302.34 Cooperative arrangements

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements may be entered into with a single official covering more than one court, official, or agency, if such single official has the legal authority to enter into agreements on behalf of such courts, officials, or agencies. Such agreements shall contain provisions for providing courts and law enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law-enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the agreement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under this requirement such agreements may include provisions:

(a) For the investigation and prosecution of fraud directly related to paternity and child and spousal support;

* * * * *

F. By revising § 302.35(c)(1) to read as follows:

§ 302.35 State parent locator service.

The State plan shall provide as follows:

* * * * *

(c) The State PLS shall only accept requests to use the Federal PLS from:

(1) Any State or local agency or official seeking to collect child and spousal support obligations under the State plan, or medical support obligations if an agreement is in effect under § 306.2 of this chapter;

* * * * *

G. By revising § 302.36(c) to read as follows:

§ 302.38 Cooperation with other States.

The State plan shall provide that the State will cooperate with any other State:

* * * * *

(c) In securing compliance by an absent parent who is present in the State with an order issued by a court of competent jurisdiction

against such parent for the support and maintenance of a child or children of such parent and of the spouse (or former spouse) of such parent with whom the child or children are living and with respect to whom aid is being provided under the plan approved under title IV-A of the Social Security Act in any other State; and,

H. By revising § 302.51(b) introductory text to read as follows:

§ 302.51 Distribution of support collections

The State plan shall provide as follows:

* * * * *

(b) The amounts collected as support by the IV-D agency pursuant to the State plan for children and the parents of such children who are current recipients of aid under the State's title IV-A plan and for whom an assignment under § 232.11 of this title is effective shall be distributed as follows:

* * * * *

PART 303--[AMENDED]

3. 45 CFR Part 303 is amended as shown.

§§ 303.6, 303.20, and 303.70 [Amended]

A. By removing the word "child" in § 303.6(f), § 303.20(c) introductory phrase, § 303.20(c)(1), and § 303.70(d)(1) after the word "securing."

B. By § 303.7(a) introductory text to read as follows:

§ 303.7 Cooperation with other States

(a) For all cases referred to the IV-D agency under the State plan of another State, the IV-D agency must assist the other State in locating an absent parent, establishing paternity or securing support for a child or children and for the spouse (or former spouse) of the absent parent with whom the child or children are living in the other State. Under this standard, the IV-D agency must:

* * * * *

§ 303.20 [Amended]

C. By adding the word "child" after the word "parent's" in

§ 303.20(c)(5):

§§ 303.65, 303.66, and 303.67 [Amended]

D. By substituting the phrase "computerized support enforcement" for computerized "child support enforcement" wherever it appears in

§§ 303.65, 303.68, and 303.67.

PART 304--[AMENDED]

4. 45 CFR Part 304 is amended as shown.

A. By revising § 304.20(b)(3) to read as follows:

§ 304.20 Availability and rate of Federal financial participation

* * * * *

(b) Services and activities for which Federal financial participation will be available shall be those made pursuant to the approved title IV-D State plan, except any expenditure incurred in providing location services to individuals listed in 45 CFR 302.35(c)(4), which are determined by the Secretary to be necessary expenditures properly attributable to the child support enforcement program including the following:

* * * * *

(3) The establishment and enforcement of support obligations including:

(i) Investigation, the development of evidence and when appropriate, bringing court actions;

(ii) Determination of the amount of the child support obligation including developing the information needed for a financial assessment;

(iii) Referral of cases to the IV-D agency of another State to establish a child support obligation when appropriate;

(iv) Enforcement of a support obligation including those activities associated with collections and the enforcement of court orders, such as contempt citations, issuance of warrants, investigation, wage attachment and processing,

and the obtaining and enforcing of court-ordered support through civil or criminal proceedings either in the State that granted the order or in another State;

(v) investigation and prosecution of fraud related to child and spousal support.

* * * * *

B. By removing the word "child" where it appears in the following sections as follows:

§§ 304.20, 304.21, 304.22, 304.23, and 304.26 [Amended]

1. In title headings for §§ 304.22, 304.90 and 304.91 of the Table of Contents;
2. § 304.20(a)(1) and (4); (b)(1)(ii) and (iii); (b)(4)(ii); and (b)(6);
3. § 304.21(a)(2);
4. § 304.22 title and text;
5. § 304.23(b); and
6. § 304.26(a).

§§ 304.90 and 304.91 [Amended]

C. By substituting the phrase "computerized support enforcement" for "computerized child support enforcement" wherever it appears in

§§ 304.90 and 304.91.

PART 305--[AMENDED]

§§ 305.20, 305.26, 305.27, 305.28, 305.31, and 305.34 [Amended]

6. 45 CFR Part 305 is amended by removing the word "child" where it appears in the following sections as follows:

- A. In title headings for §§ 305.27 and 305.28 of the Table of Contents; and in §305.20(a);
- B. Section 305.26(c);
- C. The title of 305.27;
- D. Section 305.27 introductory phrase, 305.27 (a) and (c);
- E. Section 305.28 title and text;
- F. Section 305.31; and
- G. Section 305.34(a), after the word "collect."

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302) and secs. 451, 452, 453, 454, 457, and 460 of the Social Security Act (42 U.S.C. 651, 652, 653, 654, 657, and 660)) (Catalog of Federal Domestic Assistance program No. 13.679, Child Support Enforcement Program).

The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory flexibility Act of 1980.

Dated: October 15, 1982

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: December 2, 1982.

Richard S. Schweiker,

Secretary

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