

LEG. FINANCE - BILLS 1975 - 1976 595

SSSB 659am cont. , 595

Dr. McGinnis
May 19, 1976

Page 2

I believe that the budget currently submitted to the legislature, and the staff it portends, will be barely adequate to meet the above referenced task. I do not think that there is any fat in that budget; indeed, it may very well be inadequate. One cannot tell with any certainty the requirements of this new agency until after it has been in operation for at least a year. It is of only minimal help to refer to the statistics as found in the Court Trustee's office, and the experience that office has had in the past, because its enforcement role has been severely restricted, as compared to that contemplated in the new child-support agency. I hasten to add that any use of the word "enforcement" as a description of the Court Trustee's role in the immediate past is somewhat of a misnomer; such role is probably referred to as "harassment". The new agency, as contemplated, would effectively enforce the obligation of the non-custodial parent to support his child. Such agency would doubtless reduce the cost to the state in its welfare payments and bring in significant sums for any AFDC collections. I am not suggesting that the proposed agency would pay for itself, necessarily, but I do believe that an adequately staffed agency would greatly defray the costs attendant thereto. Based upon proportions of scale, an inadequately staffed agency would cost the state far more than one adequately staffed. The duty of enforcement is a multi-faceted and integrated function which cannot logically be bifurcated.

To conclude, Dr. McGinnis, the above statistics are of questionable value in predicting the future needs of the proposed child-support agency. In my opinion, to cut the proposed budget in half would result in less than half an effective agency. The proposed budget should be funded in whole and in full compliance with the federal law.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION X
ARCADE PLAZA BUILDING
1321 SECOND AVENUE
SEATTLE, WASHINGTON 98101

May 18, 1976

OFFICE OF
CHILD SUPPORT ENFORCEMENT

Dr. Francis S. L. Williamson
Commissioner
Department of Health & Social Services
Fourth H 01
Juneau, Alaska 99811

Dear Dr. Williamson:

This letter is in response to questions raised by Deputy Commissioner Frederick McGinnis concerning the child support program in Alaska.

We understand that a change in Section 47.23.030 of Alaska Senate Bill 659 resulted in a requirement for concurrence by the person with custody of a child before the state can bring action against the person liable for the child's support. This addition to the bill is contrary to the intent of Section 454(4)(B) of the Social Security Act. That section calls for action by the state to secure support from the person legally liable for such support unless the state agency determined that it is against the best interests of the child to do so. The absence of concurrence by the person with custody does not relieve the state agency of its responsibility to collect support for children receiving benefits under Title IV-A.

Similarly the additions to Section 47.23.040 calling for consent of the mother to paternity determinations is in conflict with Section 402(a)(26)(B) which requires applicants or recipients of AFDC to cooperate in establishing paternity and 454(4)(A) which requires the state to undertake establishment of paternity unless the state agency determines that it is against the best interests of the child to do so.

We also understand that changes in the staffing and budget are under consideration. As discussed with Dr. McGinnis, any alternative plans should recognize the requirements that the child support program be in operation statewide (Section 454(1)) and that the agency either administer directly or supervise all of the activities described in 45 Code of Federal Regulations 303.20.

The requirements of Section 402(a)(27) for a child support program operating in conformance with an approved state plan were the subject of Dr. McGinnis' remaining question. As you know, a state not meeting

Dr. Francis S. L. Williamson

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those requirements is subject to a 5% reduction of all federal matching funds for AFDC (Section 403(h)). In addition, if a state fails to meet the requirements of Section 402(a)(25) and (26) such failure becomes a Title IV-A compliance issue and ultimately could be subject to action by the Secretary of the Department of Health, Education, and Welfare to withhold the state's Title IV-A program funding.

We hope that the above information is responsive to Dr. McGinnis' questions. If any additional assistance is needed, please do not hesitate to let us know.

Sincerely yours,

Baird Henderson

Jr

Jeanne Jewett
Acting Regional Director
Office of Child Support Enforcement

cc:
Dr. Frederick McGinnis
Deputy Regional Commissioner

CHILD SUPPORT AGENCY

Estimated Caseload and Collections
FY 1977

<u>FY 1977 Cases Requiring Manage- ment Activities</u>	<u>AFDC</u>	<u>Court System</u>	<u>URES A</u>	<u>TOTAL</u>
Current Caseload	2,500	5,000	2,500	10,000
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
Additions During Year	1,000	425	500	1,925
FY 1977 Caseload	<u>3,500</u>	<u>4,325</u>	<u>3,600</u>	<u>11,425</u>

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

5B 659
JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

May 3, 1976

The Honorable Terry Gardiner
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Gardiner:

At the meeting of the House Judiciary Committee on April 29th, you requested two items of information regarding SSSB 659, as amended (Child Support Agency). These were:

1. A caseload-to-personnel comparison between the projected staffing of our Child Support Agency and the State of Washington's agency.
2. An outline of potential reimbursement from other states where we performed intake, locate, collection and/or legal action to effect child support owed to an AFDC recipient residing in that other state.

With respect to item number 1, I will refer to a 1974 study of the Washington State agency. This study shows that in March 1974 the State of Washington had 175 employees assigned to their agency with an average of 175 cases assigned to each employee. The Alaska Child Support Agency anticipates a staff of 29 employees during FY 1977 with an average caseload of 265 cases per assigned employee. We are being quite optimistic about our current ability to handle caseloads projected for 1977. By taking the Washington State average, we should have 44 employees (175 cases per person divided into our 7,700 cases=44).

Item number 2 involves the federal regulations permitting 25% of collections from out-of-state (URESAs) referrals for the first year after collection and 10% the second year to enable Alaska to be reimbursed for these out-of-state collections.

Attached for your review is:

1. The budget extract for current authorized positions, including the Agency Administrator.

May 3, 1976

2. A copy of our caseload projections for FY 1977.
3. A copy of a publication of the National District Attorney's Association.

Sincerely yours,

Catherine M. Lloyd
Deputy Commissioner for
Administrative Services

(1)	PCN (2)	PAY NGE. (3)	NO. SAL. (4)	CURRENT YEAR (CY) AUTHORIZED			BUDGET YEAR (BY)			
				NO. POS. (5)	NO. NO. (6)	ANNUAL AMOUNT (7)	NO. POS. (8)	NO. NO. (9)	ANNUAL AMOUNT	
									Maintenance (10)	Change (11)
1										
2										
3	P/C	24S	2,816	1	4	11,264	1	12	33,792	
4	060293	21S	2,429	1	12	29,148	1	12	29,148	
5						40,412			62,940	
6						606			944	
7						41,018			63,884	
8						8,613			13,415	
9						49,632			77,299	
10										
11										
12	060292	14G	1,265	1	12	15,180				
13		18S	1,811				1	12	22,432	
14	060291	12G	1,142	1	12	13,740	1	12	13,704	
15	P/C	12G	1,142	1	4	4,568	1	12	13,704	
16	P/C	10G	1,007	1	4	4,028	1	12	12,084	
17	060273	8G	888	1	12	10,656	1	12	10,656	
18						47,632			72,580	
19						714			1,089	
20						47,346			74,669	
21						4,261			6,720	
22						52,607			81,389	
23						2,090			6,269	
24						54,897			87,658	
25						188			564	
26						54,885			88,222	
27						11,526			18,527	
28						66,411			106,749	
29										
30										
31										
32										

Cost of Reclass
PCN 0292 -R18 22,432
-R14 15,180

BRI Child Support Agency BRU CODE 06-26-5-04-00-00 REVISED

11A PERSONAL SERVICES
CURRENT POSITIONS
SUMMARY

02-1011 A

CHILD SUPPORT AGENCY

Caseload and Collections
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES A</u>	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425 50% of 80% of yearly "orders"	500	1,925
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
<u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425 50% of 80% of yearly "orders"		425
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

CHILD SUPPORT
ENFORCEMENT
PROGRAM

Can
we
Pay...



NATIONAL DISTRICT ATTORNEYS ASSOCIATION
Project on Child Support Enforcement

Washington, D.C. Office
1900 L Street, N.W. Suite 601
Washington, D.C. 20036



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of the National District Attorneys Association

STATE OF ALASKA
OFFICE OF THE ATTORNEY GENERAL
Child Support
303 "K" Street
Anchorage, Alaska 99501

FOREWORD

The Federal Child Support Enforcement Program is an unprecedented opportunity for the prosecutor, local officials and the community.

Child Support Enforcement is now

- available to all jurisdictions
- a positive move toward welfare reform
- a cost-effective program

As with any new program, the implementation of the law and supporting regulations raises a number of questions on the local level. This brochure will bring these important questions into focus for officials and residents.

The problems you are encountering are common to those faced by prosecutors in other states. We hope you will share your experiences in child support enforcement with other prosecutors and the *National Project on Child Support Enforcement*. Your ideas may assist another attorney in a similar situation.

This pamphlet is designed to

- explore the benefits and alternatives for your participation in the Child Support Enforcement Program
- help you in your discussions with local funding officials and legislators

THE PROBLEM

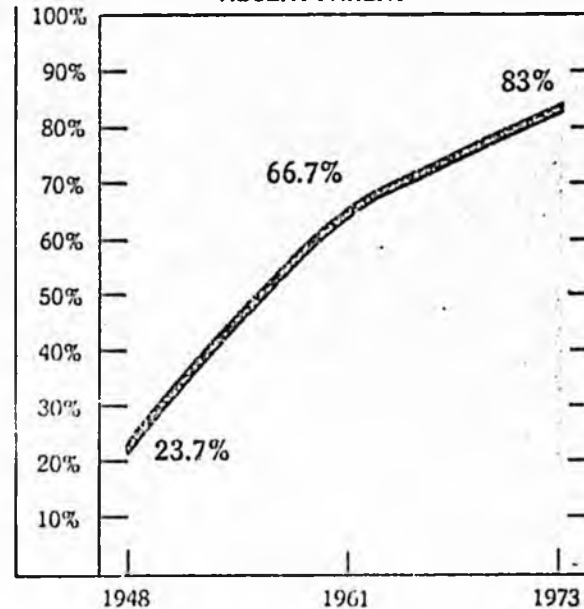
The problem of welfare in the United States is, to a considerable extent, a problem of non-support of children by their absent parents. . . . The immediate result [of the Child Support Enforcement Program] will be a lower welfare cost to the taxpayer but, more importantly, as an effective support collection system is established, fathers will be deterred from deserting their families to welfare and children will be spared the effects of family break-up.

—Senate Committee on Finance, *Social Services Amendments*, S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

The Facts

The need for strong Child Support Enforcement in America is now apparent.

UNCONTROLLED GROWTH OF FAMILIES ON AFDC RESULTING FROM NONSUPPORT OF ABSENT PARENT



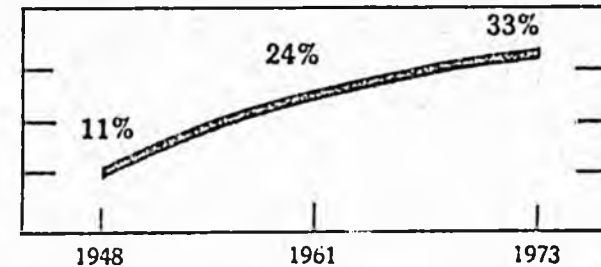
* Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., *Child Support Data and Materials 5* (Comm. Print 1975)

Of the 11 million recipients who are presently receiving Aid to Families with Dependent Children (AFDC), 4 out of every 5* receive public assistance because they have been deprived of the support of a parent who has absented himself from the home.

In just the past 6½ years, families with absent fathers have added an overwhelming 4.8 million recipients* onto the welfare rolls. More than half of these absent parents (estimated to be 1.3 million) would pay support if there were strong child support enforcement.

* Data extracted from S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

RISE IN CHILDREN BORN OUT OF WEDLOCK RECEIVING AFDC



* Data extracted from Staff of Senate Committee on Finance, 91th Cong., 1st Sess., *Child Support Data and Materials 138* (Comm. Print 1975)

In addition, in one-third of all AFDC families, the father is not married to the mother and in most cases, paternity must be established for the children.

The community which you represent will most often look to you as prosecutor to effectively cope with this problem on the local level.

"Public confidence in the welfare system demands we attack this problem. . . . A major reason for the program is the concept of improved management in the welfare system, . . . the public is expecting increased efforts in this area."

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare.

THE SOLUTION

The new Federal Child Support Enforcement Program is mandated under Title IV-D of the Social Security Act. The law (P.L. 93-647 as amended by P.L. 94-88) went into effect on August 1, 1975.

The IV-D program is a strategy for uniform enforcement of child support nationwide. Every state must devise an effective system to:

- establish paternity
- locate absent parents
- secure support

Under the law these child support enforcement services must be made available to non-welfare families as well as to those receiving AFDC.

Your Responsibility

Congress gave you, in large measure, the responsibility for the local "effective" implementation of the program. It seems formidable. The program's simplicity will be clear, however, once you have an understanding of the new child support enforcement tools available.

Title IV-D provides you with: New Funds

- Federal reimbursement—75 per cent of all IV-D costs
- Incentive funds—based on collections, 25 per cent (during the first 12 months and 10 per cent thereafter) to be paid to the participating prosecutor's jurisdiction

Prosecutor Participation

The law specifically provides monetary benefits for participation of "local law enforcement officials," (which obviously includes District Attorneys, County Attorneys and other prosecutors).

Now, the cost of the prosecutor's child support enforcement activities, once an expense of the local jurisdiction, will be 75 per cent federally reimbursable through a "Cooperative Agreement".

Incentive payments will go directly into the treasury of the local political subdivision as new-found revenue.

New Tools

- A state and local IV-D agency
- Cooperative agreements
- Interstate cooperation
- Garnishment of monies due or payable by the United States to any individual
- Assignment of right of support to the state
- Eligibility of non-AFDC cases

WHAT THE PROGRAM MEANS TO YOU

Everyone wins in the IV-D program. With incentive payments and a program that will virtually pay for itself, the local jurisdiction can only benefit by providing the community with a strong child support enforcement operation.

Child Support Enforcement offers you: A Chance to Attain a Child's Right to Support

"The most important objective of the IV-D program is helping children and families . . . Every child in this country has a right to have his paternity established and receive the benefits that society rightly or wrongly reserves only for those individuals whose parentage has been established."

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare

"Once we can get the right to support where the child knows that he is being supported by those who are responsible for his existence, we are going to [begin to] attack some of the problems of juvenile delinquency and crime that we have had in these United States."

—Louise Ragglo, Chairman, Section of Family Law, American Bar Association

"There's another group of people who are aimed at helping . . . those who are so on the economic brink that if they could just get their child support payments they wouldn't have to go into the ADC system. That's of very great social value."

—Keith Sanborn, NDAA Vice President, District Attorney, Wichita, Kansas

Public Recognition

"The important factor for the County Board of Commissioners [or like authority] is that the program will net revenue . . . This area [child support enforcement] is probably the most politically potent area of all. Every time you go to a person and help them child support-wise you have gained a friend for the District Attorneys office."

—Robert Russell, NDAA Vice President, District Attorney, El Paso County, Colorado

"For the well-run operations there has always been glory . . . fame . . . and votes. . . The better job you do, the word is eventually going to spread into the whole community."

—Roger Rook, NDAA President-Elect, District Attorney, Clackamas County, Oregon

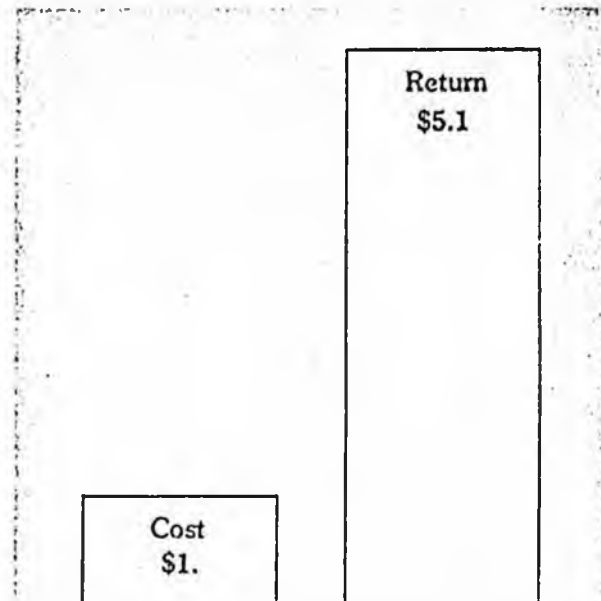
A Cost-Effective System

"In short does it pay to identify, locate, establish paternity, bring to settlement and otherwise enforce an absent parent's obligation to support his or her dependent children.

The answer . . . is an unequivocal yes! . . . Child support enforcement programs can collect more than they spend . . . We find that AFDC collections alone [are] capable of paying for total AFDC and Non-AFDC program operations . . . When all factors are taken into consideration, no matter how you look at it, Child Support Enforcement programs can and do pay."

—recent report by Arthur Young and Co. based on cost/benefit analysis of Child Support Enforcement programs, conducted under contract with the U.S. Department of Health, Education and Welfare/Social and Rehabilitation Service

COST-EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAM
AVERAGE RETURN PER DOLLAR EXPENDED



* Data extracted from Arthur Young and Co. cost/benefit analysis of Child Support Enforcement programs conducted for the U.S. Department of Health, Education and Welfare

"There is no District Attorneys office in the United States which can not afford to get actively involved in the program that you're concerned with here. It will more than pay for itself . . . I know of no issue where I could make more points with the taxpayers . . . than in this area."

—Louis Bergna, NDAA President, District Attorney, San Jose, California



IMPLEMENTATION

State Plan

Most states have reached the first milestone in the development of the IV-D program—approval of the State Plan. Chart A tracks your state's progress.

Federal reimbursement monies equal to 75 per cent of the administrative costs of the State Plan will be available once the Plan is approved. The Plan sets out whether the state or local jurisdiction will supply the 25 per cent matching funds.

The Critical Factor

The new child support enforcement law requires that each state have an "effective" IV-D program in operation by January 1, 1977. If a state does not meet the deadline, the "penalty provision" of the law requires the U.S. Department of Health, Education and Welfare to reduce the state's AFDC federal monies by 5 per cent (a substantial amount in most states).

The "effectiveness" of the program will depend on the extent to which it actively operates state-wide.

CHART A

STATE PLAN PROGRESS REPORT		
STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Alabama	x	12/30/75
Arizona	x	12/21/75
Arkansas	x	9/30/75
California	x	11/26/75
Colorado	x	1/26/76
Connecticut	x	12/17/75
Delaware	x	12/15/75
Florida	x	12/18/75
Georgia	x	12/19/75
Guam	12/31/75	
Hawaii	x	12/24/75
Idaho	x	12/19/75
Illinois	x	11/12/75
Iowa	x	11/17/75
Kansas	x	10/15/75
Kentucky	x	
Louisiana	x	9/30/75
Maine	x	12/17/75
Maryland	x	2/12/76
Massachusetts	x	10/23/75
Michigan	x	1/20/76
Minnesota	x	9/30/75
Montana	x	10/15/75
Nebraska	x	9/8/75
New Hampshire	x	12/17/75
New Jersey	x	12/30/75
New Mexico	x	9/30/75
New York	x	
North Carolina	x	12/31/75
North Dakota	x	11/3/75
Ohio	x	11/12/75

STATE PLAN (continued)

STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Oklahoma	x	8/19/75
Oregon	x	12/31/75
Pennsylvania	x	12/17/75
Puerto Rico	x	
Rhode Island	x	10/22/75
South Carolina	x	12/18/75
South Dakota	x	10/20/75
Tennessee	x	12/19/75
Texas	x	9/30/75
Utah	x	12/4/75
Vermont	x	10/23/75
Virginia	x	2/6/76
Virgin Islands	x	12/30/75
Washington	x	12/31/75
Wisconsin	x	1/20/76
Wyoming	x	9/30/75

STATE PLANS/WAIVER REQUESTED

STATE	WAIVER REQUEST SUBMITTED	"WAIVERED" PLAN SUBMITTED	WAIVER APPROVED	PLAN APPROVED
Alaska	9/8/75, 10/3/75		DENIED 11/7/75	12/31/75
District of Columbia	10/1/75	10/1/75	1/16/76	
Indiana	9/9/75	12/24/75	1/16/76	
Mississippi	9/26/75	9/30/75	12/12/75	12/30/75
Missouri	9/11/75	9/26/75	12/12/75	12/30/75
Nevada	10/2/75	10/2/75	1/16/76	
West Virginia	9/29/75	9/30/75	DENIED 12/29/75	

* Data supplied by the Office of Child Support Enforcement,
U.S. Department of Health, Education and Welfare as of February 16, 1976.



What services will the Prosecutor provide?

The prosecutors and IV-D officials are aiming toward common goals:

- Full advantage of benefits
- Simplified sound management

The Full Advantage— Reimbursable Costs

Many of the costs of general participation in the Child Support Enforcement Program are eligible for federal reimbursement. See Chart B and C.

CHART B

AVAILABILITY OF FEDERAL REIMBURSEMENT

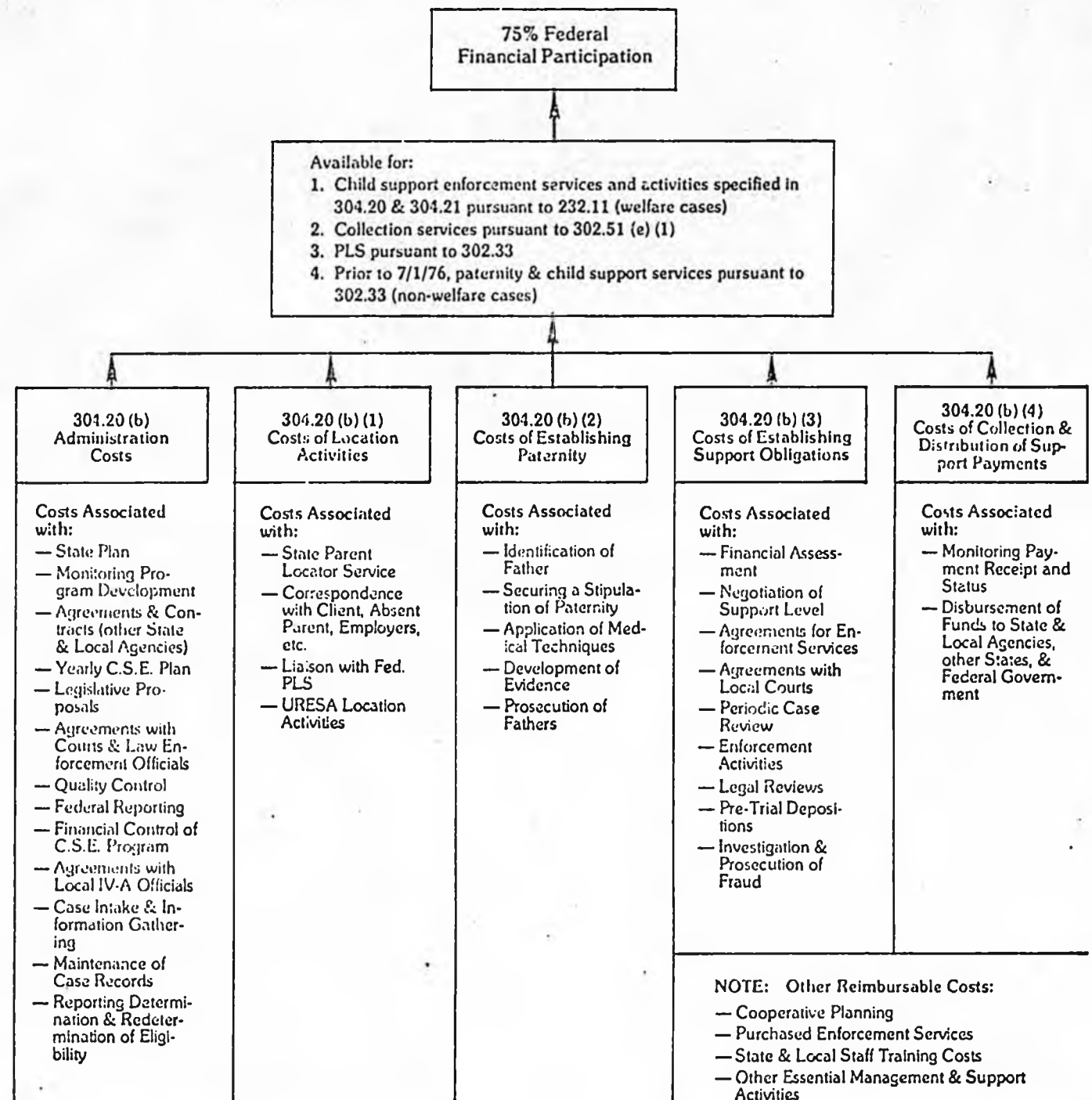
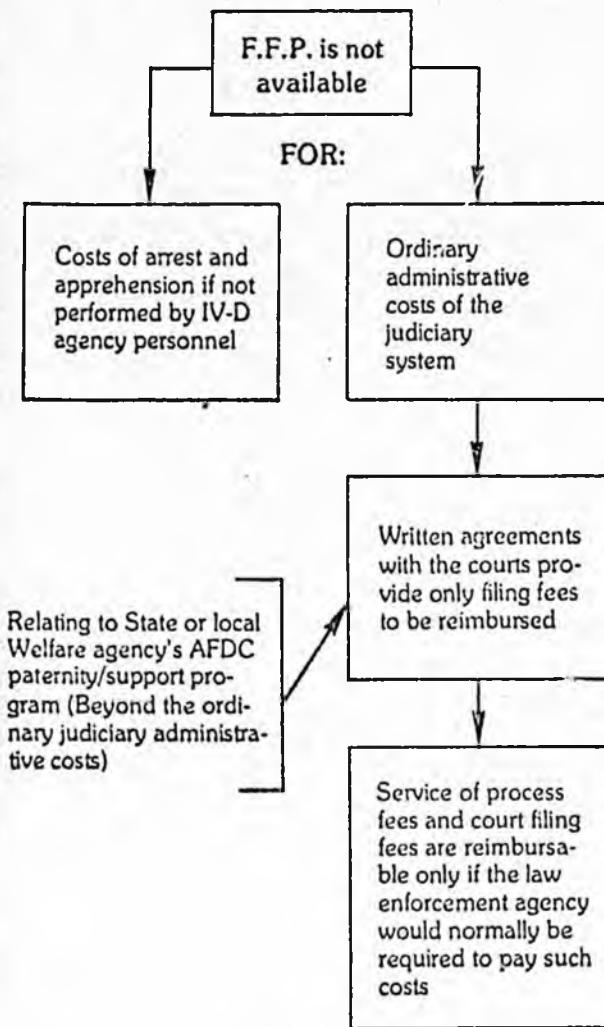


CHART C COSTS NOT ELIGIBLE FOR IV-D REIMBURSEMENT



• Chart prepared by Orange County (California) District Attorneys Office, Family Support Division

Something Extra

The incentive for prosecutor participation will be paid directly into the treasury of the local political subdivision. These funds can be used for general expenditures.

In addition, the reimbursable costs of prosecutorial activities performed under a "Cooperative Agreement", taken separately, are listed in Chart D.

Sound Management— IV-D Functions

Centralization of IV-D administration on the state and local level, set out in the Federal Regulations for IV-D Implementation, will simplify and strengthen management of the program.

Chart E, (on next page), provided by the Indiana Prosecuting Attorneys Council, highlights the primary functions of the State IV-D agency and those functions which may be performed either at the state level or local level.

Cooperative Agreements

Title IV-D requires the State Plan to provide that the state will enter into cooperative agreements with "appropriate court and law enforcement officials." These agreements may include "provisions to reimburse law enforcement officials for their assistance." (For costs in connection with courts see Chart C.)

It should be remembered that incentive payments are available only to jurisdictions in which the prosecutor participates in IV-D under a cooperative agreement.

CHART D REIMBURSABLE COSTS OF PROSECUTOR PARTICIPATION

Administrative costs

- establishing and maintaining case records
- cost accounting systems

Determination of paternity

- investigation and preparation of a paternity case including costs of blood tests, polygraph exams, and pre-trial discovery
- presentation of case to the court plus related costs
- cooperation with other jurisdictions
- drafting of orders

Establishment and enforcement of support

- URESA activities
- location of nonsupporting parents including the establishment of state Parent Locator Service
- criminal or civil proceedings including development of evidence, court hearings, and related costs
- negotiating and enforcing agreements, settlements, confession of judgments or garnishments

Collection and distribution of child support

- monitoring and accounting for support payments
- receiving, identifying and distributing support money received

Training

- reasonable, essential, short-term training of staff, full or part-time, on IV-D matters

Negotiations

Prosecutor Functions

In discussions concerning the cooperative agreements, government officials and prosecutors should consider the functions of the local IV-D agency depicted in Chart E to identify those specific activities for which the prosecutor will be responsible.

Other Considerations

The discussion should also take into consideration related responsibilities such as:

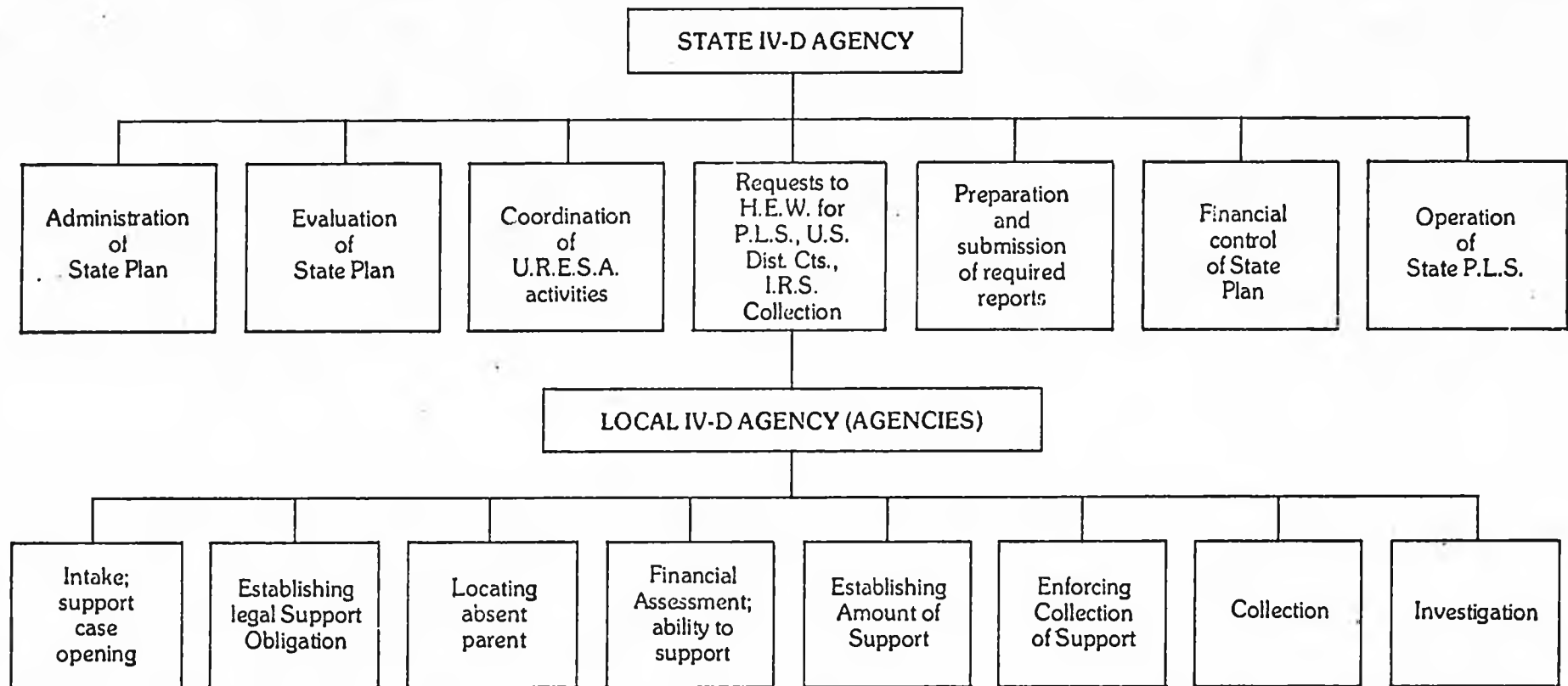
- Record-keeping
- Confidentiality of records
- Cost-allocation methods
- Assistance to non-welfare families
- Staff and training

and the welfare agency's responsibilities to:

- give "prompt notice" to the prosecutor whenever AFDC is furnished to an applicant or recipient
- provide information needed in locating absent parents, establishing paternity and securing support

The NDAA Project on Child Support Enforcement can provide technical assistance to you in drafting these cooperative agreements.

CHART E DISTRIBUTION OF FUNCTIONS BETWEEN CENTRAL IV-D AGENCY AND LOCAL IV-D AGENCIES



THE ALTERNATIVES

Each state will decide what services the prosecutor will provide. The prosecutor's involvement can range from directing the State IV-D agency to handling enforcement of only criminal nonsupport and URESA cases in a IV-D unit within the prosecutor's office.

Here is an example of some alternative approaches being taken:



California—Established Program

In Sacramento County, California, the major share of responsibility for the IV-D program has been concentrated in the District Attorneys Office. The Domestic Relations Division of the District Attorneys Office manages the support collections and computerized monitoring system and handles all child support enforcement activities.

California feels that focusing the responsibility on a single agency that is an enforcement oriented agency has a substantial positive effect on behalf of the taxpayer, according to Michael E. Barber, Supervising Deputy District Attorney, Sacramento, California.

Wisconsin—Local IV-D Agency

Under the Wisconsin State Plan, each County's Board of Supervisors must designate the agency to administer the IV-D program in the local jurisdiction. In several counties, such as Sauk County, with a population of 40,000, the District Attorneys office is now the local IV-D agency. It acts as the central point for all AFDC and non-AFDC IV-D services and directs IV-D activities of other local agencies (welfare department, Family Court Commissioner) under cooperative agreements.

Georgia—Prosecutors under Cooperative Agreements

The Georgia Department of Human Resources hopes to enter into cooperative agreements with prosecutors in all 42 judicial districts in that state. From the initial six cooperative agreements, the "effectiveness" of the District Attorneys' services became clear. Collections jumped 51 per cent during the first four months of the program. The District Attorneys have set up IV-D units with expanded staffs as a result of the federal reimbursement monies.

Kansas—Small Office Involvement

The Kansas County Attorneys Association set up a committee in December, 1975 to negotiate a "uniform cooperative agreement" for prosecutors in 99 jurisdictions (small prosecutors' offices) with the State IV-D agency. Ideas being considered to aid these prosecutors with limited staff and nonsupport caseload include a centralized IV-D para-legal staff, computer terminals and standardized forms.

"The State Plan has been approved but the effectuation of the Plan will depend upon the success with which we are able to spread it through all jurisdictions."—Margaret Jordan, District Attorney, Johnson County, Kansas, and Negotiator

Other States

Many creative plans are taking shape nationwide. Explore with other prosecutors, the Project and IV-D representatives, possibilities for your involvement.

NDAA PROJECT ON CHILD SUPPORT ENFORCEMENT

The Project actively provides practical research and technical assistance in response to specific needs and problems of prosecutors who are gearing up for IV-D participation or managing an on-going program.

Operating under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare, the Project offers you:

- a clearinghouse of child support enforcement information
- an extensive library of reference materials
- memoranda provided by a legal research team
- *Reports* published regularly including articles on current child support enforcement trends, significant case notes and bibliographical materials
- the HOTLINE (202) 872-9513, for immediate response to your inquiries
- a resource center for technical assistance and consultants

Clearinghouse Publications

The following materials are only a few of the publications available free of charge upon request to the NDAA Project on Child Support Enforcement.

Overview of IV-D—a memorandum discussing the prosecutor's role and responsibilities in connection with cooperative agreements

Synopsis of the More Essential Regulations of Public Law 93-647

Child Support Enforcement Bibliography

Cost-Effectiveness of a Child Support Enforcement Program

IV-D Orientation Packet

Other technical assistance materials geared to specific needs are also available.

Conferences

Introductory

NDAA Project on Child Support Enforcement—six regional IV-D Orientation Conferences (fall, 1975)

Upcoming

NDAA/NCDA Training Courses—four child support enforcement training seminars to be held in Phoenix, Dallas, Atlanta and Chicago. For further information contact the:

National District Attorneys Association
Executive Office
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611
(312) 944-2577

Child Support Enforcement on Tape

The National District Attorneys Association has produced a set of tapes which explain the implementation and operation of the federal Child Support Enforcement law.

The cassettes may be ordered from the:
National District Attorneys Association
Publication Department
211 East Chicago Avenue
Chicago, Illinois 60611

Overview of Title IV-D. A comprehensive explanation of the IV-D Program. 315-040-204.

Successful State Child Support Enforcement Program. How to set up a viable program in your jurisdiction. 315-040-208.

Intake and Imposition of the Duty to Support. How to screen cases and take effective action against respondents. 315-040-210.

Enforcement of Child Support. Considers the use of such enforcement powers as contempt. 315-040-212.

Auxiliary Enforcement. Additional means of enforcing support orders. 315-040-214.

Impact of Enforcement Techniques. The effect of enforcement upon the family and respondent. 315-040-216.

Administration of IV-D Programs (two tapes). Practical aspects of making the program work. 315-040-218.

Services and Resources Available from NDAA on Child Support Enforcement. Explains how NDAA can help the prosecutor initiate and implement a program in his jurisdiction. 315-040-220.

Closing Remarks at IV-D Orientation Conferences. NDAA sponsored a series of conferences explaining the operation of IV-D Programs to prosecutors. The closing remarks summarizing such conferences are presented in this tape. 315-040-222.

Price: \$6 each



*“When all factors are considered
no matter how you look at it,
Child Support Enforcement Programs
can and do pay.”*



NDAA Project on Child Support Enforcement
Prepared to Assist You—

Technical Assistance
Research
Consultants
Hotline (202) 872-9513

5-15-76

~~HB~~

SSSB 659 m

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
315 FIFTH STREET, SUITE 8
JUNEAU, ALASKA 99801
TELEPHONE 586-~~XXXX~~6425
May 13, 1976

MEMORANDUM

TO: Rep. Hugh Malone, House Finance Committee
FROM: Don Clocksin, *DEC*
SUBJECT: CSSB 659 - Child support enforcement

I. Background.

The responsibilities for collecting child support were divided among three separate agencies. First, the court trustee, who is an officer of the court, keeps a record of all child support orders entered by judges in this state, keeps a record of all payments made and all delinquencies, and, until recently, went into court on behalf of the person supposed to receive the child support to force the absent parent to pay. See AS 09.55.210(5) and Civil Rule 67.

Second, the state district attorneys have the responsibility for collecting child support for persons residing outside the state under the Uniform Reciprocal Enforcement of Support Act (URESA). See AS 25.25.100. Some people also thought that the district attorney had an obligation to prosecute nonsupport actions on behalf of people in this state since they were obliged to enforce state law under AS 44.23.020 (b)(3).

Third, the Department of Health and Social Services has the responsibility under the federal Social Security Act to obtain cooperation from welfare recipients in locating absent fathers and bringing paternity or support actions against them.

The Alaska Supreme Court has recently issued a decision which requires changes in the system described above. Public Defender Agency v. Superior Court 534 P.2d 947 (Alaska 1975). The court ruled that (1) the district attorneys had the authority to prosecute nonsupport actions, but are not obligated to do so, (2) the court trustee may not prosecute such nonsupport actions because he/she is an officer of the court, and (3) the public defender is required to represent the defendant in these nonsupport prosecutions.

The court recognized that its decision would create difficulties, since the district attorney's office did not have a sufficient budget to prosecute all nonsupport cases in existence. It suggested a legislative solution as follows:

"An effective resolution of the problems present in the area of child support can only be made by the legislature through the appropriation of additional funds to the Department of Law for prosecution of contempt proceeding or through the establishment of an independent office charged with the enforcement of support orders."

It is primarily in response to the court's decision, which wiped out the present system for collecting support, which brought about this bill.

Another reason for this bill is the recent enactment of federal legislation which requires the creation of a state agency to coordinate child support collection activities on behalf of recipients of Aid to Families with Dependent Children. The adoption of this bill would satisfy those federal requirements.

II. What this Bill Would Do.

This bill creates a new agency in the Department of Health and Social Services which would have all the responsibilities now fulfilled by the court trustees, the district attorneys, and the Department of Health and Social Services. This new Child Support Enforcement Agency would coordinate all of these responsibilities and handle the AFDC and private nonsupport activities as well as the out-of-state (URESA) responsibilities.

With regard to AFDC cases, the agency would comply with these recent federal laws. The bill would also transfer from the recipient of AFDC to the state the right to sue for child support. The purpose of this is to obtain reimbursement for state welfare payments made to the family.

The bill also authorizes this agency to represent private individuals who are unable to collect support from the absent parent. The agency may charge for that service and have the authority to assist in executing judgments and obtaining assignments of wages, etc.

III. SECTION BY SECTION ANALYSIS.

A. Section I. This section creates the new Child Support Enforcement Agency.

1. Sec. 47.23.010 - creates the agency in the Department of Health and Social Services.

2. Sec. 47.23.020 - sets out the responsibilities of that agency.

3. Sec. 47.23.030 - authorizes the state to sue in place of the recipients of AFDC to collect support for the child. This section contains protections which are required by the new federal laws, and assures that the absent parent will be required to pay only the amount they are capable of paying.

4. Sec. 47.23.035 - creates a special fund in the federal fund to handle the money collected.

5. Section 47.23.040 - authorizes the agency to bring law suits to establish the paternity of children born out of wedlock.

6. Sec. 47.23.050 - authorizes contracts with the Department of Law to provide legal services.

7. Sec. 47.23.060 - authorizes the court to enter support orders, modify orders where necessary, and to require that the parents give a bond or other security to assure that support is paid.

8. Sec. 47.23.070 - this section authorizes the court to assign the wages of a nonsupporting parent. The assignment would be binding upon that person's employer, and the nonsupporting parent cannot be fired because of this assignment. Under (c), an assignment for child support is given a high priority among other creditors of the nonsupporting parent.

9. Sec. 47.23.080 - states that the child support payments which are made pursuant to this statute will be made through the new agency unless there is good cause to have them paid directly to the custodian of the children.

10. Sec. 47.23.090 - once a child support obligation is due and not paid an execution or attachment may be made after the unpaid portion is reduced to judgment. The agency is authorized to execute orders on behalf of children.

11. Sec. 47.23.100. - this section requires the agency to provide its collection services to any person who has the right to collect child support. If the person is able to pay, the cost of collecting that child support may be charged to them.

12, Sec. 47.23.110. - these are the definitions.

B. Section 2. This section amends a section of the URESA statute to authorize the agency to collect past due support by means of execution for arrearages as well as contempt.

C. Section 3. This section amends the URESA statute to transfer the administrative responsibility from the Department of Law to the Department of Health and Social Services.

D. Section 4. This section adds four new sections to the URESA statute. In general these new sections adjust to amendments to the Uniform Act which were made in 1968 but never adopted in Alaska.

1. Section 25.25.171 -- sets out the procedure for deciding whether or not the defenses raised by the non-supporting parent are valid.

2. Section 25.25.173 -- this section incorporates the civil rules of evidence in URESA hearings, authorizes the modification of support orders from other states, and provides that even if the nonsupporting parent is denied visitation the duty to pay support remains.

3. Section 25.25.175 -- this section forces the non-supporting parent to testify in a URESA hearing by giving that person immunity from criminal prosecution for their testimony.

4. Section 25.25.177 -- if the nonsupporting parent alleges that he is not the father of the child, the court must either decide the paternity issue or postpone the URESA hearing until that issue is decided.

E. Section 5. This section repeals the present statute giving the court trustee the responsibility for child support collection. Civil Rule 67, which also sets out the functions of the court trustee, is presumably repealed by implication because of the Supreme Court case mentioned above.

F. Section 6. The bill would have a July 1, 1976 effective date.

IV. Support.

This bill is supported by the Department of Law, the Department of Social and Health Services, the Administrator of the Alaska Court System, and Alaska Legal Services.

Terry Gardiner

for all members files

SB 659

Hm

Box 1092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

May 4, 1976

MEMO

TO: HUGH MALONE
FROM: TERRY GARDINER
RE: HCS SS SP 659

The House Judiciary Committee has made minor technical amendments to SB 659 and has voted it out of committee with a do pass recommendation. We wish to express our concern to the House Finance Committee concerning the financial implications of this bill. The House Judiciary Committee has received a fiscal note and a personnel cost chart which are attached. The committee has great concern for the number of individuals that H&SS seems to think are necessary to implement this program. Testimony was received from Art Snowden, Administrator of the Court System, that when this function was under the court system, the court had seven employees pursuing support obligations. Mr. Snowden indicated that these seven employees were not engaged full time in the collection of support and a more accurate figure would be four full time employees. Counter to this argument is that the court system failed in providing for the adequate collection of support. The Department of Law indicated that they had four attorneys assigned to implementing the Uniform Enforcement of Support Act. CSA would have both the function that the court system used to provide and the URESA function that the Department of Law presently has. Also CSA would provide assistance to any individual seeking recovery of support obligations. This would increase the CSA caseload above the present case level of both the court system and Department of Law (information is attached).

It came to the committee's attention that the Department of Law in determining under which department CSA should be located, had a personnel chart which consisted of seventeen individuals including attorneys. The chart presented to the Judiciary Committee by H&SS indicates 22 individuals not including a \$200,000 contractual obligation to the Department of Law to provide four attorneys and two secretaries. Further, upon noticing an ad in the Alaska Empire for the position of Executive Director for CSA at a salary considerably higher than provided in the personnel, H&SS indicated

that that position was already one budgeted for and that there were seven individuals which did not appear on the above described chart. This would increase the actual staff level of CSA to 35 total including contractual.

It should be noted further that a similar bill to SB 659 was introduced last year. This bill was defeated, however there was a budgetary appropriation of \$150,000 which is unaccounted for at this time. It is presumed that H&SS in establishing CSA has spent some of this money, but testimony before the committee indicates that they have only been in existence a few months, and their only function to date has been one of organization and lobbying for SB 659.

Gene Lawn the present director of CSA has indicated that he has done an analysis of the Washington CSA project and indicates that his budgetary figures are in line with the State of Washington. The Judiciary Committee did not see this analysis. However, staff for the committee contacted the Department of Justice for the state of Oregon to determine their costs in enforcing child support orders. The population is 2.2 million people. The population of the Portland metropolitan area is 1 million people. The case load of Oregon CSA is presently 23,000 individuals who are receiving some form of welfare assistance and 1,000 non-welfare individuals. The 1,000 non-welfare individuals is a four county pilot project to determine whether or not the Department of Justice should include in their duties the assistance of non-welfare claimants. The Department of Justice indicates that they have not received the expected response from non-welfare clients. Welfare claimants are automatically referred to the Department of Justice and it is a requirement of eligibility that they cooperate with the Department of Justice. The Oregon program started in 1957, they have sixteen offices throughout the state, seventeen attorneys, fourteen investigators and nineteen collectors. In the Portland metropolitan area there are four attorneys, two collectors and four investigators. The Oregon program indicated that one of their major problems was one of geography in that to maintain offices in outlying areas, maximum utilization of staff could not be obtained. The case load of the individuals in the Oregon plan is 600 - 700 for collectors and 200 - 300 for investigators. Since July 1, 1975 the program has spent \$1.3 million and has a return to the state of \$3 million. The last monthly figures the program in Oregon has indicated that in the month of February the programs expenses were \$174,600 and there was a return of \$504,695 to the state.

In summation the Judiciary Committee was very concerned about receiving accurate and unbiased financial data from H&SS. The Committee has no problems with the concept of a Child Support Enforcement Agency but feels that the financial planning for such an agency has been slipshod and that the

Finance Committee should give serious consideration to eliminating several of the requested positions and that the Finance Committee may wish to consider placing the CSA in other than the Department of Health and Social Services, such as the Department of Law.

SB 659

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
315 FIFTH STREET, SUITE 8
JUNEAU, ALASKA 99801
TELEPHONE 586-6425

MEMORANDUM

TO: Rep. Terry Gardiner, House Judiciary Committee
FROM: Don Clocksin *DC*
SUBJECT: CSSB 659 - Child support enforcement

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F. Section 6. The bill would have a July 1, 1976 effective date.

IV. Amendments.

A. AS 09.65.130(b) (Ch. 167, SLA 1975) provides that the attorney general is responsible for "enforcing collections owed the court." Although this is intended only to cover the costs of providing a guardian ad litem in a custody dispute, it should be amended to clarify that the attorney general is no longer to collect child support.

In AS 09.65.130(b), amend the third sentence by deleting "enforcing collections" and inserting "collecting costs".

B. Sec. 47.23.080 (p. 3, line 20-24) provides that child support payments shall be made directly to the new agency "absent a showing of good cause." A person who goes off welfare should be able to direct that those payments be made directly to her/him without having to show good cause. Otherwise, the agency may continue to collect the support and use it to pay off past welfare payments rather than make it available for current needs of the children.

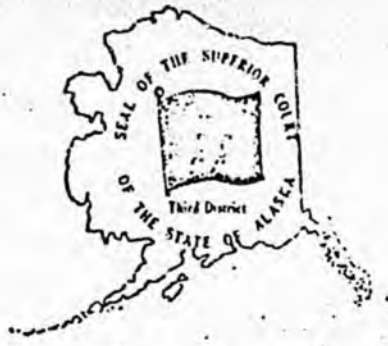
On p. 3, lines 21-22, delete ", absent a showing of good cause to order otherwise," and after "agency" on line 22, insert ", unless the obligee directs otherwise."

V. Support.

This bill is supported by the Department of Law, the Department of Social and Health Services, the Administrator of the Alaska Court System, and Alaska Legal Services.

DEC:btg

SB 659



Superior Court

State of Alaska

THIRD JUDICIAL DISTRICT

303 K STREET

ANCHORAGE, ALASKA

99501

February 20, 1976

JAMES K. SINGLETON, Judge
Family Court Division

COURT TRUSTEES and Standing MASTERS
JAMES L. RHOADS
ROBERT D. FRENZ

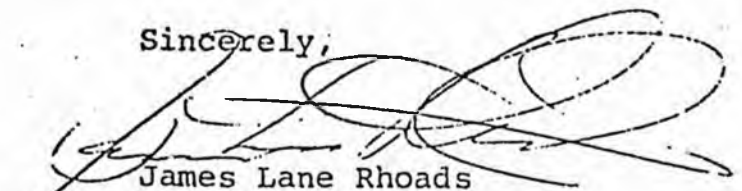
Dear Madam:

This office wishes to inform you of a substantial change in policy. Administrative Bulletin No. 76-2, promulgated by the Administrative Director, Arthur Snowden, prohibits the Court Trustee or other court employees "from exercising prosecutorial functions in the enforcement of Child Support Orders." This means that our function is limited to merely recording payments made, modifying the computer where there has been, for example, emancipation or change of custody of the children, and notification to a delinquent payor of his arrearages. No longer is the Court Trustee able to move the court for an Order to Show Cause or otherwise coerce a father who ignores his responsibility to his children. No longer may the Court Trustee enforce child-support orders.

If you need assistance in enforcing a court's order for child support, I suggest you consult with private counsel, or if you reside outside the state of Alaska, you may petition your Attorney General or District Attorney pursuant to the Uniform Reciprocal Enforcement of Support Act. In addition, you should be advised that Governor Hammond's administration and the state legislature is considering a child-support agency outside the court system which could effectively prosecute irresponsible fathers. You may wish to advise the governor or the legislature of your position and need for child-support monies.

If we can be of assistance, please do not hesitate to contact us; however, please understand that we can in no way threaten, persuade, or in any way appear to "prosecute" the father of your children regarding child-support monies you feel he may owe you.

Sincerely,


James Lane Rhoads
Court Trustee

1840 Aleutian Street
Anchorage, Alaska 99504
March 1, 1976

Representative Bill Parker
State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Parker:

Enclosed is a copy of the letter I received from the Office of the Court Trustee saying they will no longer be allowed to enforce child support orders. I am sure you are familiar with it by now.

I am writing to urge you to move as quickly as possible in setting up another plan or agency for collecting child support payments. In my own case, I have a job and manage fairly well financially by doing without a car and other things, but I do need the child support payments due me. My ex-husband has a good year-round job with Wien Air Alaska and makes extra money on the side, but the Court Trustee has had to threaten him with court action from time to time as he will not pay otherwise. Right now he owes me \$757 in arrearage which the Court Trustee was slowly but surely collecting from him. This \$757 represents a lot of things my daughter needs. In the enforcement void that now exists, I am afraid the arrearage will rise to an amount that I will never be able to collect!

Again I urge you to take prompt action to alleviate the present situation that affects so many of our Alaskan children.

Sincerely,



Rheta M. Erkel

Enclosure

Child Support Enforcement Programs

Can
and
Do
Pay...



NATIONAL DISTRICT ATTORNEYS ASSOCIATION
Project on Child Support Enforcement

Washington, D.C. Office
1900 L Street, N.W., Suite 601
Washington, D.C. 20036



CHILD SUPPORT AGENCY

Caseload and Collections
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES</u> A	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425 50% of 80% of yearly "orders"	500	1,925
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
<u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425 50% of 80% of yearly "orders"		425
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

(1)	PCN (2)	PAY RGE. (3)	MO. SAL. (4)	CURRENT YEAR (CY) AUTHORIZED			BUDGET YEAR (BY)			
				NO. POS. (5)	NO. MO. (6)	ANNUAL AMOUNT (7)	NO. POS. (8)	NO. MO. (9)	ANNUAL AMOUNT	
									Maintenance (10)	Change (11)
1										
2										
3	CHILD SUPPORT AGENCY									
4	Supervisory Unit									
5	CSA Administrator	P/C	24S	2,816	1	4	11,264	1	12	33,792
6	Administrative Officer II	060293	21S	2,429	1	12	29,148	1	12	29,148
7	Subtotal						40,412			62,940
8	1 1/2% Merit Increase						606			944
9	Subtotal						41,018			63,884
10	21% Benefits						8,613			13,415
11	Subtotal						49,632			77,299
12										
13	GENERAL GOVERNMENT UNIT									
14	Accountant II	060292	14G	1,265	1	12	15,180			
15	Reclass Accountant IV		18S	1,811				1	12	22,432
16	Document Proc. Clerk IV	060291	12G	1,142	1	12	13,740	1	12	13,704
17	Accounting Technician I	P/C	12G	1,142	1	4	4,568	1	12	13,704
18	Secretary I	P/C	10G	1,007	1	4	4,028	1	12	12,084
19	Clerk Typist III	060273	8G	888	1	12	10,656	1	12	10,656
20	Subtotal						47,632			72,580
21	1 1/2% Merit Increase						714			1,089
22	Subtotal						47,346			74,669
23	9% Salary Increase						4,261			6,720
24	Subtotal						52,607			81,389
25	Overtime						2,090			6,269
26	Subtotal						54,897			87,658
27	9% Salary Increase O.T						188			564
28	Subtotal						54,885			88,222
29	21% Benefits						11,526			18,527
30	Subtotal						66,411			106,749
31										
32										

Cost of Reclass
PCN 0292 -R18 22,432
-R14 15,180

BRI Child Support Agency

BRU CODE - 06-26-5-04-00-00

REVISED

11A PERSONAL SERVICES
CURRENT POSITIONS
SUMMARY

02-1011 A

National District Attorneys Association
Project on Child Support Enforcement
1900 L Street, N.W., Suite 601
Washington, D.C. 20036

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This Project is operated by the National District Attorneys Association under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare.

Project Services:
Technical Assistance
Research
Consultants
Hotline (202) 872-9513

National District Attorneys Association
Executive Offices
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March 1, 1976
A Special Criminal Justice Improvement Publication
of the National District Attorneys Association

FOREWORD

The Federal Child Support Enforcement Program is a landmark effort to ensure that parents who are unable to support their children financially are able to do so through the assistance of the Federal Government.

Child Support Enforcement is a

... program that is designed to help

... responsible fathers toward welfare reform

... and child support enforcement

... and child support enforcement is a program that is designed to help responsible fathers toward welfare reform and child support enforcement.

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THE PROBLEM

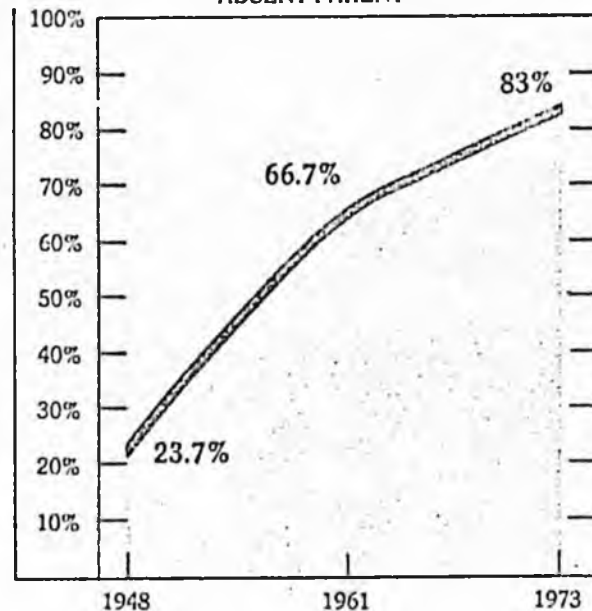
The problem of welfare in the United States is, to a considerable extent, a problem of non-support of children by their absent parents The immediate result [of the Child Support Enforcement Program] will be a lower welfare cost to the taxpayer but, more importantly, as an effective support collection system is established, fathers will be deterred from deserting their families to welfare and children will be spared the effects of family break-up.

—Senate Committee on Finance, *Social Services Amendments*, S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

The Facts

The need for strong Child Support Enforcement in America is now apparent.

UNCONTROLLED GROWTH OF FAMILIES ON AFDC RESULTING FROM NONSUPPORT OF ABSENT PARENT



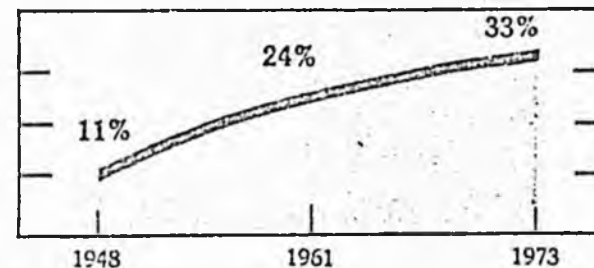
*Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., Child Support Data and Materials 5 (Comm. Print 1975)

Of the 11 million recipients who are presently receiving Aid to Families with Dependent Children (AFDC), 4 out of every 5* receive public assistance because they have been deprived of the support of a parent who has absented himself from the home.

In just the past 6½ years, families with absent fathers have added an overwhelming 4.8 million recipients* onto the welfare rolls. More than half of these absent parents (estimated to be 1.3 million) would pay support if there were strong child support enforcement.

*Data extracted from S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

RISE IN CHILDREN BORN OUT OF WEDLOCK RECEIVING AFDC



*Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., Child Support Data and Materials 138 (Comm. Print 1975)

In addition, in one-third of all AFDC families, the father is not married to the mother and in most cases, paternity must be established for the children.

The community which you represent will most often look to you as prosecutor to effectively cope with this problem on the local level.

“Public confidence in the welfare system demands we attack this problem. . . . A major reason for the program is the concept of improved management in the welfare system, . . . the public is expecting increased efforts in this area.”

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare.

THE SOLUTION

The new Federal Child Support Enforcement Program is mandated under Title IV-D of the Social Security Act. The law (P.L. 93-647 as amended by P.L. 94-88) went into effect on August 1, 1975.

The IV-D program is a strategy for uniform enforcement of child support nationwide. Every state must devise an effective system to:

- establish paternity
- locate absent parents
- secure support

Under the law these child support enforcement services must be made available to non-welfare families as well as to those receiving AFDC.

Your Responsibility

Congress gave you, in large measure, the responsibility for the local "effective" implementation of the program. It seems formidable. The program's simplicity will be clear, however, once you have an understanding of the new child support enforcement tools available.

Title IV-D provides you with:
New Funds

- Federal reimbursement—75 per cent of all IV-D costs
- Incentive funds—based on collections, 25 per cent (during the first 12 months and 10 per cent thereafter) to be paid to the participating prosecutor's jurisdiction

Prosecutor Participation

The law specifically provides monetary benefits for participation of "local law enforcement officials," (which obviously includes District Attorneys, County Attorneys and other prosecutors).

Now, the cost of the prosecutor's child support enforcement activities, once an expense of the local jurisdiction, will be 75 per cent federally reimbursable through a "Cooperative Agreement".

Incentive payments will go directly into the treasury of the local political subdivision as new-found revenue.

New Tools

- A state and local IV-D agency
- Cooperative agreements
- Interstate cooperation
- Garnishment of monies due or payable by the United States to any individual
- Assignment of right of support to the state
- Eligibility of non-AFDC cases

WHAT THE PROGRAM MEANS TO YOU

Everyone wins in the IV-D program. With incentive payments and a program that will virtually pay for itself, the local jurisdiction can only benefit by providing the community with a strong child support enforcement operation.

Child Support Enforcement offers you:
A Chance to Attain a Child's Right to Support

"The most important objective of the IV-D program is helping children and families Every child in this country has a right to have his paternity established and receive the benefits that society rightly or wrongly reserves only for those individuals whose parentage has been established."

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare

"Once we can get the right to support where the child knows that he is being supported by those who are responsible for his existence, we are going to [begin to] attack some of the problems of juvenile delinquency and crime that we have had in these United States."

—Louise Raggio, Chairman, Section of Family Law, American Bar Association

"There's another group of people this act is aimed at helping . . . those who are so on the economic brink that if they could just get their child support payments they wouldn't have to go into the ADC system. That's of very great social value."

—Keith Sanborn, NDAA Vice President, District Attorney, Wichita, Kansas

Public Recognition

"The important factor for the County Board of Commissioners [or like authority] is that the program will net revenue . . . This area [child support enforcement] is probably the most politically potent area of all. Every time you go to a person and help them child support-wise you have gained a friend for the District Attorneys office."

—Robert Russell, NDAA Vice President, District Attorney, El Paso County, Colorado

"For the well-run operations there has always been glory . . . fame . . . and votes. . . The better job you do, the word is eventually going to spread into the whole community."

—Roger Rook, NDAA President-Elect, District Attorney, Clackamas County, Oregon

A Cost-Effective System

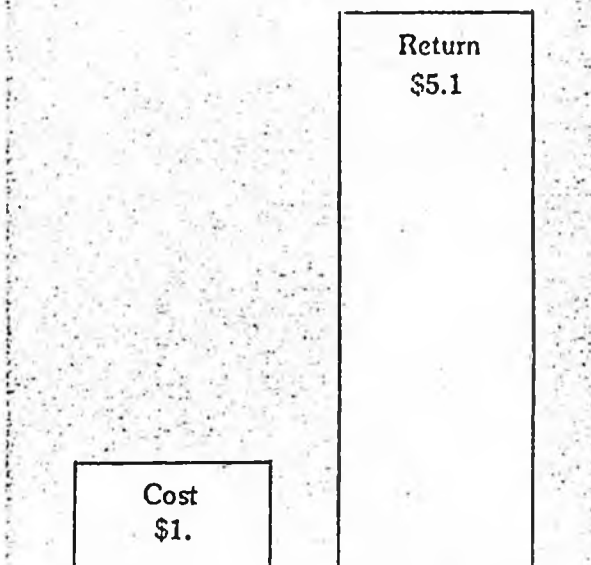
"In short does it pay to identify, locate, establish paternity, bring to settlement and otherwise enforce an absent parent's obligation to support his or her dependent children.

The answer . . . is an unequivocal yes! . . . Child support enforcement programs can collect more than they spend . . . We find that AFDC collections alone [are] capable of paying for total AFDC and Non-AFDC program operations . . . When all factors are taken into consideration, no matter how you look at it, Child Support Enforcement programs can and do pay."

—recent report by Arthur Young and Co. based on cost/benefit analysis of Child Support Enforcement programs, conducted under contract with the U.S. Department of Health, Education and Welfare/Social and Rehabilitation Service

COST-EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAM

AVERAGE RETURN PER DOLLAR EXPENDED



* Data extracted from Arthur Young and Co. cost/benefit analysis of Child Support Enforcement programs conducted for the U.S. Department of Health, Education and Welfare

"There is no District Attorneys office in the United States which can not afford to get actively involved in the program that you're concerned with here. It will more than pay for itself . . . I know of no issue where I could make more points with the taxpayers . . . than in this area."

—Louis Bergna, NDAA President, District Attorney, San Jose, California



IMPLEMENTATION

State Plan.

Most states have reached the first milestone in the development of the IV-D program—approval of the State Plan. Chart A tracks your state's progress.

Federal reimbursement monies equal to 75 per cent of the administrative costs of the State Plan will be available once the Plan is approved. The Plan sets out whether the state or local jurisdiction will supply the 25 per cent matching funds.

The Critical Factor

The new child support enforcement law requires that each state have an "effective" IV-D program in operation by January 1, 1977. If a state does not meet the deadline, the "penalty provision" of the law requires the U.S. Department of Health, Education and Welfare to reduce the state's AFDC federal monies by 5 per cent (a substantial amount in most states).

The "effectiveness" of the program will depend on the extent to which it actively operates state-wide.

CHART A

STATE PLAN PROGRESS REPORT

STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Alabama	x	12/30/75
Arizona	x	12/21/75
Arkansas	x	9/30/75
California	x	11/26/75
Colorado	x	1/26/76
Connecticut	x	12/17/75
Delaware	x	12/15/75
Florida	x	12/18/75
Georgia	x	12/19/75
Guam	12/31/75	
Hawaii	x	12/24/75
Idaho	x	12/19/75
Illinois	x	11/12/75
Iowa	x	11/17/75
Kansas	x	10/15/75
Kentucky	x	
Louisiana	x	9/30/75
Maine	x	12/17/75
Maryland	x	2/12/76
Massachusetts	x	10/23/75
Michigan	x	1/20/76
Minnesota	x	9/30/75
Montana	x	10/15/75
Nebraska	x	9/8/75
New Hampshire	x	12/17/75
New Jersey	x	12/30/75
New Mexico	x	9/30/75
New York	x	
North Carolina	x	12/31/75
North Dakota	x	11/3/75
Ohio	x	11/12/75

STATE PLAN (continued)		
STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Oklahoma	x	8/19/75
Oregon	x	12/31/75
Pennsylvania	x	12/17/75
Puerto Rico	x	
Rhode Island	x	10/22/75
South Carolina	x	12/18/75
South Dakota	x	10/20/75
Tennessee	x	12/19/75
Texas	x	9/30/75
Utah	x	12/4/75
Vermont	x	10/23/75
Virginia	x	2/6/76
Virgin Islands	x	12/30/75
Washington	x	12/31/75
Wisconsin	x	1/20/76
Wyoming	x	9/30/75

STATE PLANS/WAIVER REQUESTED				
STATE	WAIVER REQUEST SUBMITTED	"WAIVERED" PLAN SUBMITTED	WAIVER APPROVED	PLAN APPROVED
Alaska	9/8/75, 10/3/75		DENIED 11/7/75	12/31/75
District of Columbia	10/1/75	10/1/75	1/16/76	
Indiana	9/9/75	12/24/75	1/16/76	
Mississippi	9/26/75	9/30/75	12/12/75	12/30/75
Missouri	9/11/75	9/26/75	12/12/75	12/30/75
Nevada	10/2/75	10/2/75	1/16/76	
West Virginia	9/29/75	9/30/75	DENIED 12/29/75	

* Data supplied by the Office of Child Support Enforcement,
U.S. Department of Health, Education and Welfare as of February 16, 1976.



What services will the Prosecutor provide?

The prosecutors and IV-D officials are aiming toward common goals:

- Full advantage of benefits
- Simplified sound management

The Full Advantage— Reimbursable Costs

Many of the costs of general participation in the Child Support Enforcement Program are eligible for federal reimbursement. See Chart B and C.

CHART B

AVAILABILITY OF FEDERAL REIMBURSEMENT

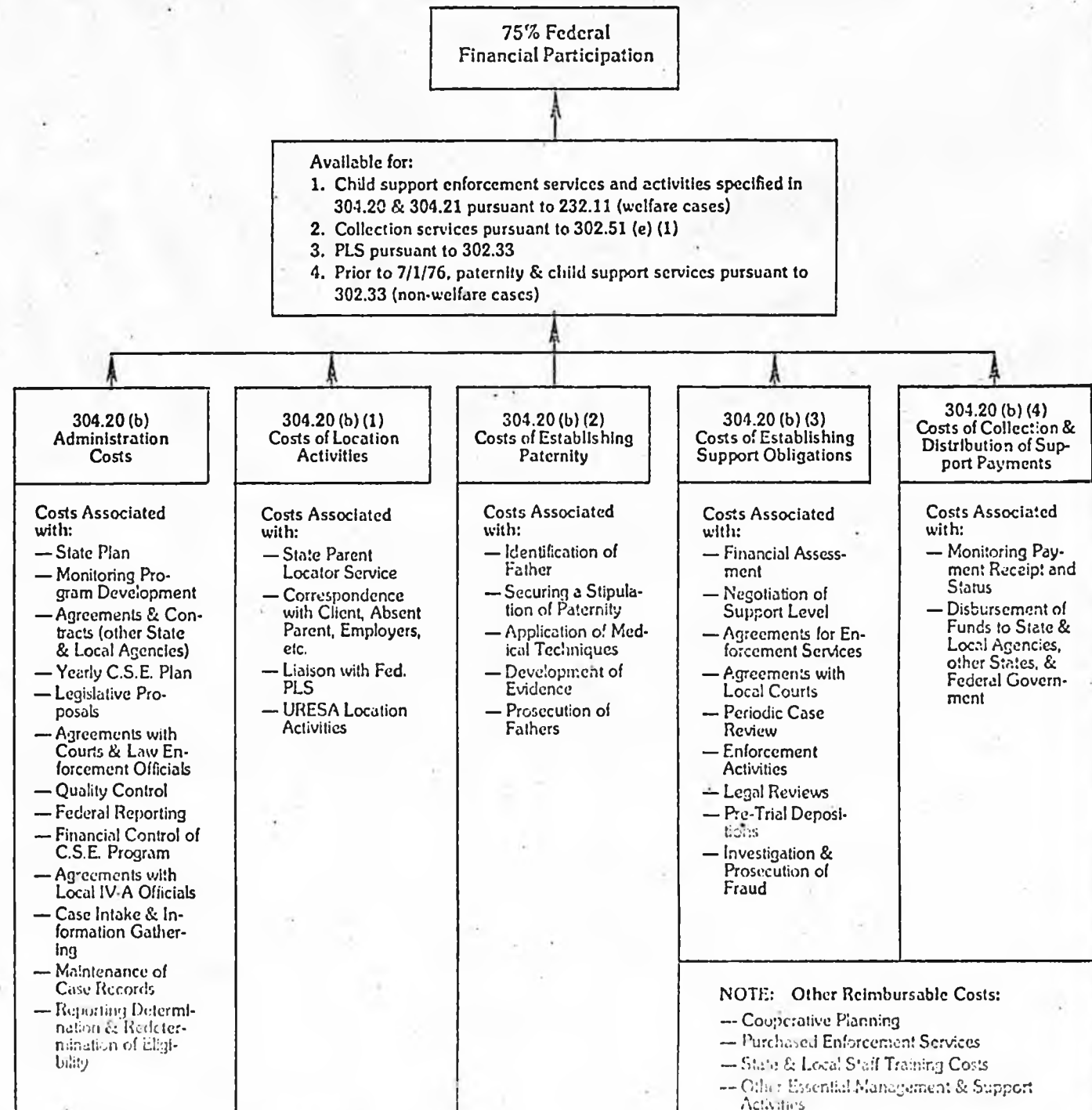
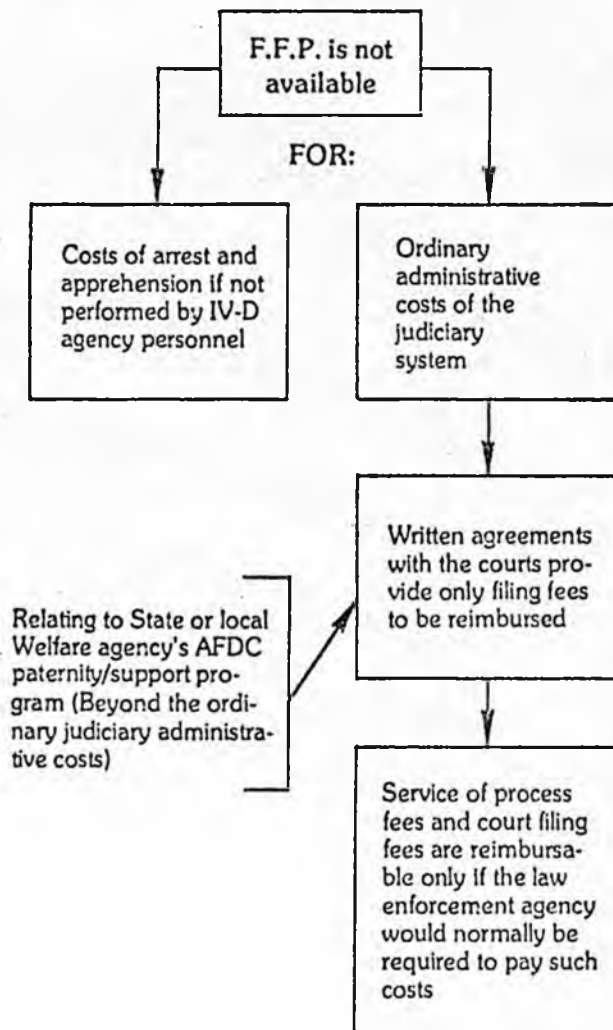


CHART C
COSTS NOT ELIGIBLE FOR IV-D
REIMBURSEMENT



* Chart prepared by Orange County (California) District Attorneys Office, Family Support Division

Something Extra

The incentive for prosecutor participation will be paid directly into the treasury of the local political subdivision. These funds can be used for general expenditures.

In addition, the reimbursable costs of prosecutorial activities performed under a "Cooperative Agreement", taken separately, are listed in Chart D.

Sound Management—
IV-D Functions

Centralization of IV-D administration on the state and local level, set out in the Federal Regulations for IV-D Implementation, will simplify and strengthen management of the program.

Chart E, (on next page), provided by the Indiana Prosecuting Attorneys Council, highlights the primary functions of the State IV-D agency and those functions which may be performed either at the state level or local level.

Cooperative Agreements

Title IV-D requires the State Plan to provide that the state will enter into cooperative agreements with "appropriate court and law enforcement officials." These agreements may include "provisions to reimburse law enforcement officials for their assistance." (For costs in connection with courts see Chart C)

It should be remembered that incentive payments are available only to jurisdictions in which the prosecutor participates in IV-D under a cooperative agreement.

CHART D
REIMBURSABLE COSTS OF
PROSECUTOR PARTICIPATION

- Administrative costs
 - establishing and maintaining case records
 - cost accounting systems
- Determination of paternity
 - investigation and preparation of a paternity case including costs of blood tests, polygraph exams, and pre-trial discovery
 - presentation of case to the court plus related costs
 - cooperation with other jurisdictions
 - drafting of orders
- Establishment and enforcement of support
 - URESA activities
 - location of nonsupporting parents including the establishment of state Parent Locator Service
 - criminal or civil proceedings including development of evidence, court hearings, and related costs
 - negotiating and enforcing agreements, settlements, confession of judgments or garnishments
- Collection and distribution of child support
 - monitoring and accounting for support payments
 - receiving, identifying and distributing support money received
- Training
 - reasonable, essential, short-term training of staff, full or part-time, on IV-D matters

Negotiations

Prosecutor Functions

In discussions concerning the cooperative agreements, government officials and prosecutors should consider the functions of the local IV-D agency depicted in Chart E to identify those specific activities for which the prosecutor will be responsible.

Other Considerations

The discussion should also take into consideration related responsibilities such as:

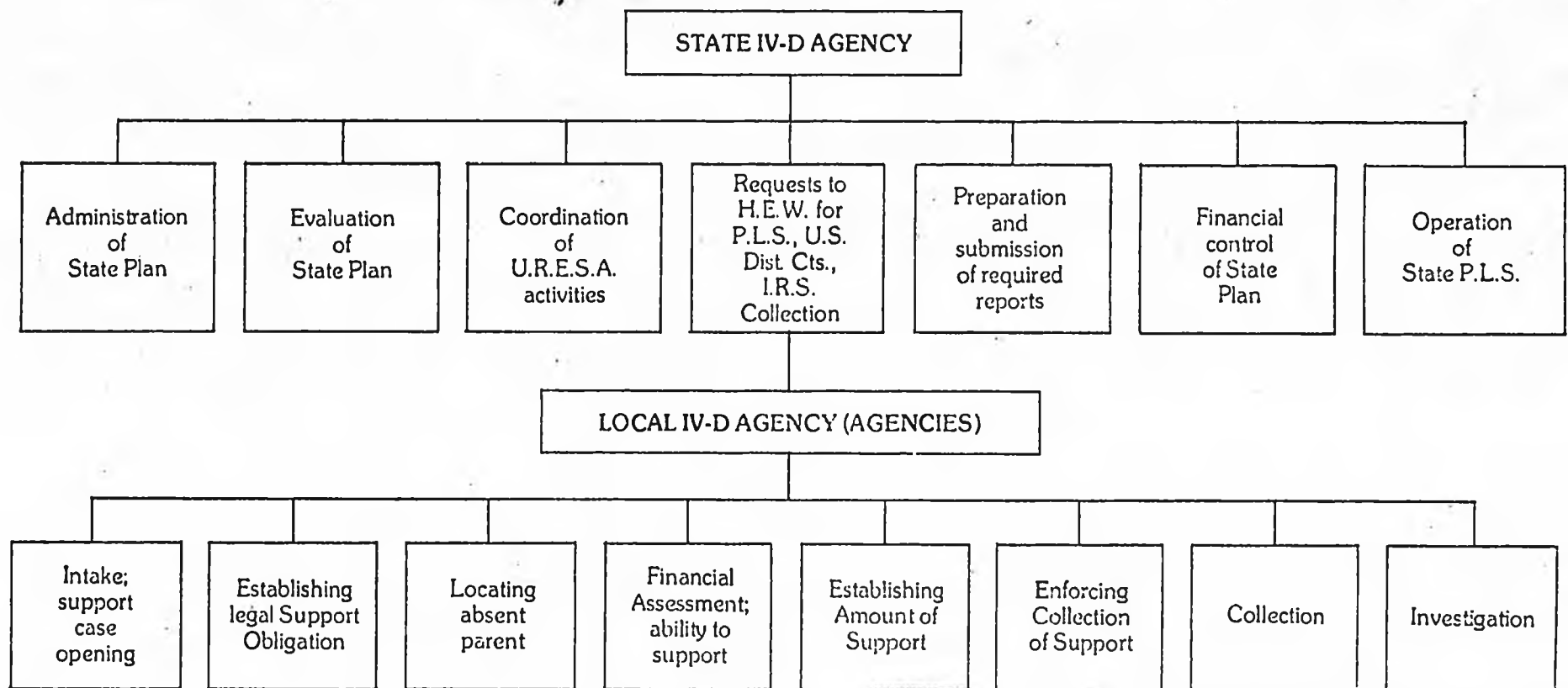
- Record-keeping
- Confidentiality of records
- Cost-allocation methods
- Assistance to non-welfare families
- Staff and training

and the welfare agency's responsibilities to:

- give "prompt notice" to the prosecutor whenever AFDC is furnished to an applicant or recipient
- provide information needed in locating absent parents, establishing paternity and securing support

The NDAA Project on Child Support Enforcement can provide technical assistance to you in drafting these cooperative agreements.

CHART E DISTRIBUTION OF FUNCTIONS BETWEEN CENTRAL IV-D AGENCY AND LOCAL IV-D AGENCIES



THE ALTERNATIVES

Each state will decide what services the prosecutor will provide. The prosecutor's involvement can range from directing the State IV-D agency to handling enforcement of only criminal nonsupport and URESA cases in a IV-D unit within the prosecutor's office.

Here is an example of some alternative approaches being taken:



California—Established Program

In Sacramento County, California, the major share of responsibility for the IV-D program has been concentrated in the District Attorneys Office. The Domestic Relations Division of the District Attorneys Office manages the support collections and computerized monitoring system and handles all child support enforcement activities.

California feels that focusing the responsibility on a single agency that is an enforcement oriented agency has a substantial positive effect on behalf of the taxpayer, according to Michael E. Barber, Supervising Deputy District Attorney, Sacramento, California.

Wisconsin—Local IV-D Agency

Under the Wisconsin State Plan, each County's Board of Supervisors must designate the agency to administer the IV-D program in the local jurisdiction. In several counties, such as Sauk County, with a population of 40,000, the District Attorneys office is now the local IV-D agency. It acts as the central point for all AFDC and non-AFDC IV-D services and directs IV-D activities of other local agencies (welfare department, Family Court Commissioner) under cooperative agreements.

Georgia—Prosecutors under Cooperative Agreements

The Georgia Department of Human Resources hopes to enter into cooperative agreements with prosecutors in all 42 judicial districts in that state. From the initial six cooperative agreements, the "effectiveness" of the District Attorneys' services became clear. Collections jumped 51 per cent during the first four months of the program. The District Attorneys have set up IV-D units with expanded staffs as a result of the federal reimbursement monies.

Kansas—Small Office Involvement

The Kansas County Attorneys Association set up a committee in December, 1975 to negotiate a "uniform cooperative agreement" for prosecutors in 99 jurisdictions (small prosecutors' offices) with the State IV-D agency. Ideas being considered to aid these prosecutors with limited staff and nonsupport caseload include a centralized IV-D para-legal staff, computer terminals and standardized forms.

"The State Plan has been approved but the effectuation of the Plan will depend upon the success with which we are able to spread it through all jurisdictions."—Margaret Jordan, District Attorney, Johnson County, Kansas, and Negotiator

Other States

Many creative plans are taking shape nationwide. Explore with other prosecutors, the Project and IV-D representatives, possibilities for your involvement.

NDA PROJECT ON CHILD SUPPORT ENFORCEMENT

... actively provides practical
and technical assistance in re-
sponse to specific needs and problems of
prosecutors who are gearing up for IV-D
preparation or managing an on-going
program.

Operating under a contract with the Of-
fice of Child Support Enforcement of the
U.S. Department of Health, Education
and Welfare, the Project offers you:

- a clearinghouse of child support enforce-
ment information
- an extensive library of reference materials
- memoranda provided by a legal research
team
- *Reports* published regularly including
articles on current child support enforce-
ment trends, significant case notes and
bibliographical materials
- the HOTLINE (202) 872-9513, for
immediate response to your inquiries
- a resource center for technical assistance
and consultants

Clearinghouse Publications

The following materials are only a few of
the publications available free of charge
upon request to the NDAA Project on
Child Support Enforcement.

Overview of IV-D—a memorandum discuss-
ing the prosecutor's role and responsibilities in
connection with cooperative agreements

*Synopsis of the More Essential Regulations
of Public Law 93-647*

Child Support Enforcement Bibliography

*Cost-Effectiveness of a Child Support
Enforcement Program*

IV-D Orientation Packet

Other technical assistance materials geared to
specific needs are also available.

Conferences

Introductory

NDAAs Project on Child Support Enforcement—six regional IV-D Orientation Conferences (fall, 1975)

Upcoming

NDAAs/NCDA Training Courses—four child support enforcement training seminars to be held in Phoenix, Dallas, Atlanta and Chicago. For further information contact the:

National District Attorneys Association
Executive Office
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611
(312) 944-2577

Child Support Enforcement on Tape

The National District Attorneys Association has produced a set of tapes which explain the implementation and operation of the federal Child Support Enforcement law.

The cassettes may be ordered from the:
National District Attorneys Association
Publication Department
211 East Chicago Avenue
Chicago, Illinois 60611

Overview of Title IV-D. A comprehensive explanation of the IV-D Program. 315-040-204.

Successful State Child Support Enforcement Program. How to set up a viable program in your jurisdiction. 315-040-208.

Intake and Imposition of the Duty to Support. How to screen cases and take effective action against respondents. 315-040-210.

Enforcement of Child Support. Considers the use of such enforcement powers as contempt. 315-040-212.

Auxiliary Enforcement. Additional means of enforcing support orders. 315-040-214.

Impact of Enforcement Techniques. The effect of enforcement upon the family and respondent. 315-040-216.

Administration of IV-D Programs (two tapes). Practical aspects of making the program work. 315-040-218.

Services and Resources Available from NDAAs on Child Support Enforcement. Explains how NDAAs can help the prosecutor initiate and implement a program in his jurisdiction. 315-040-220.

Closing Remarks at IV-D Orientation Conferences. NDAAs sponsored a series of conferences explaining the operation of IV-D Programs to prosecutors. The closing remarks summarizing such conferences are presented in this tape. 315 040-222.

Price: \$6 each



*“When all factors are considered
no matter how you look at it,
Child Support Enforcement Programs
can and do pay.”*



**NDAAs Project on Child Support Enforcement
Prepared to Assist You—**

**Technical Assistance
Research
Consultants
Hotline (202) 872-9513**

The Legislature of the State of Alaska
FISCAL NOTE

First Session - Ninth Legislature

20

I. REQUEST

Bill No. SS Senate Bill 659

Title: An Act Relating to Child Support Enforcement

Requested by: _____ Date: _____

Return Date Requested: _____

Agency: Health & Social Services Program: Child Support Enforcement

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Child Support Enforcement

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		116.0	485.9	621.3	633.5	781.8
200 TRAVEL		5.0	13.5	14.8	16.2	17.5
300 CONTRACTUAL		15.0	443.7	488.0	530.8	580.1
400 COMMODITIES		1.5	17.3	19.0	20.9	23.1
500 EQUIPMENT		6.5	37.2	40.9	43.0	45.3
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0.0	150.0	997.6	1,184.0	1,302.5	1,432.7

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0.0	37.5	498.8	592.0	651.3	716.1
FEDERAL FUNDS	0.0	112.5	374.1	444.0	488.4	537.2
OTHER - RGF	0.0		124.7	148.0	162.8	179.4

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	7/0	29/0	29/0	29/0	29/0
MAN MONTHS (P./T.)	0/0	64/0	348/0	348/0	348/0	348/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

As attached.

IV. ATTACHMENTS

V. DATE: 3/19/76

PREPARED BY: [Signature]

CSEA

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

<u>Personnel Costs</u>	Range	Salary +	21% Benefits	FY77 *Cost	FY78	FY79	FY80
Permanent Positions							
Current Permanent Positions Approved				173,180	190,498	209,547	230,502
FY77 Proposed Positions							
CSA Officer III	20S	25,541	5,363	30,904	33,994	37,393	41,113
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18S	24,615	5,169	29,784	32,762	36,038	39,642
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18G	22,555	4,736	27,291	30,020	33,022	36,324
CSA Officer I	16G	19,462	4,087	23,549	25,903	28,494	31,343
Administrative Assistant II	14G	16,793	3,526	20,319	22,350	24,585	27,041
Administrative Assistant I	12G	14,696	3,086	17,782	19,560	21,516	23,667
Administrative Assistant I	12G	16,794	3,526	20,320	22,352	24,587	27,045
Programmer III	17G	20,954	4,400	25,354	27,889	30,678	33,746
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
CSA Officer Trainee	13G	18,068	3,794	21,862	24,084	26,453	29,098
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	12,546	2,634	15,180	16,698	18,367	20,204
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Clerk II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Accounting Clerk II	9C	10,260	2,148	12,408	13,648	15,013	16,515
Total Personnel Services		358,836	75,340	434,176	477,621	525,444	577,861
(000's Omitted)							
Personnel Services Cost				485.9*	621.3*	683.5*	751.8*
Travel				13.5	14.8	16.3	17.9
Contractual				443.7	480.0	536.8	590.5
Commodities				17.3	19.0	20.9	23.0
Equipment				37.2	40.9	45.0	49.5
TOTAL				997.6	1,184.0	1,332.5	1,432.7

* - Includes 20% vacancy in FY77, 7% thereafter.

Handwritten notes:
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III Analysis

Specific assumptions:

1. The bill, SSSB 659, requires a separate agency to administer the program, with 29 full-time positions. (22 new and 7 existing positions.)
2. From analysis of existing and contemplated caseloads, cases estimated include approximately 3,500 AFDC, and up to 4,500 non-AFDC referrals to total 8,000 cases initially the first year and about 5,000 cases annually thereafter.
3. Specific fiscal impact on other agencies, by section:

Section 47.23.030 - No increased fiscal impact on the Division of Public Assistance (AFDC agency).

Sections 47.23.040 to the end - These sections require contractual services to the following agencies:

Department of Law	- \$221,000
Department of Administration (Computer Services)	- \$ 30,000

4. Attached to this analysis is a study further defining major functional processes required to operate an acceptable child support program.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 93811

CHILD SUPPORT ENFORCEMENT AGENCY

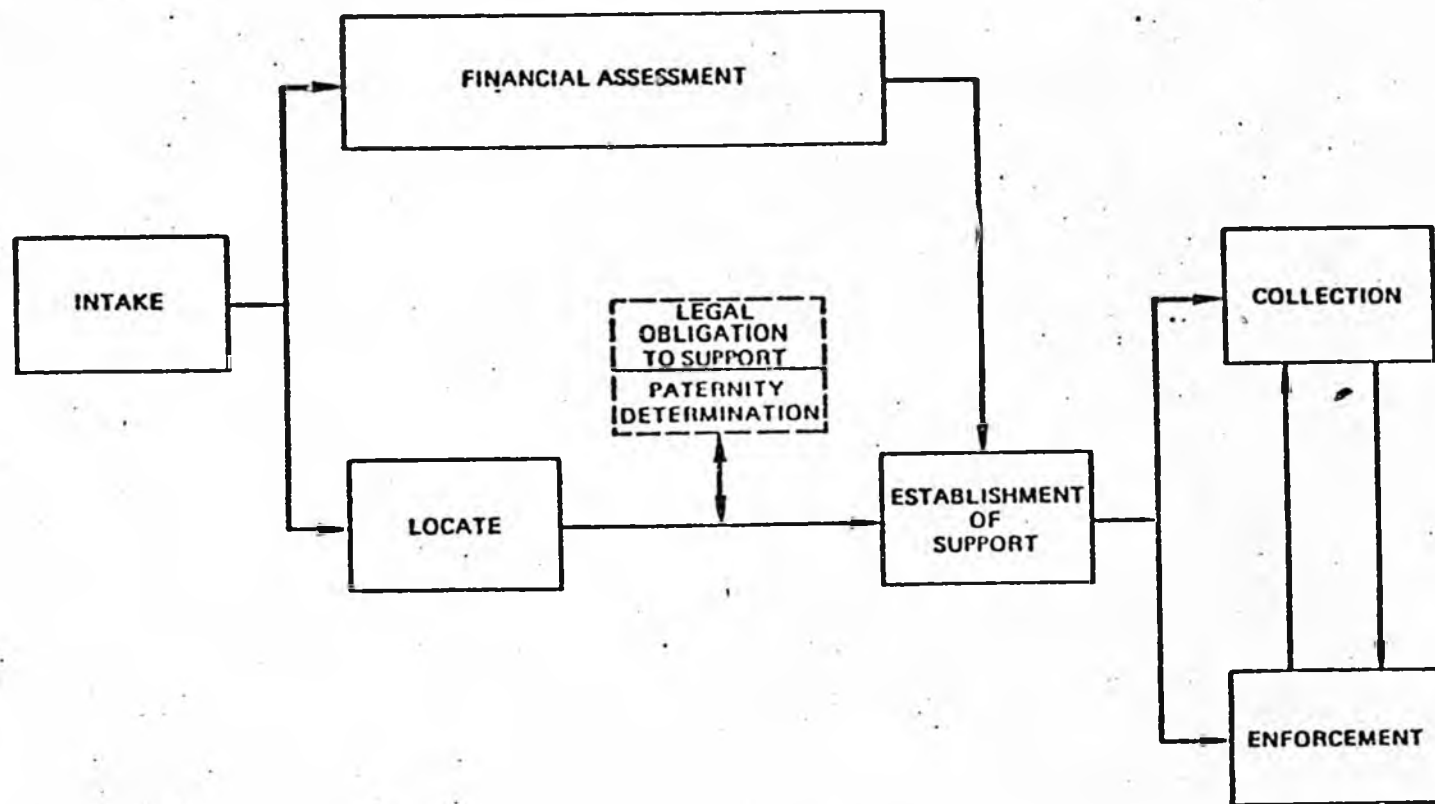
SENATE BILL 659: PL 93-647 and PL 94-88

MAJOR FUNCTIONAL PROCESSES REQUIRED

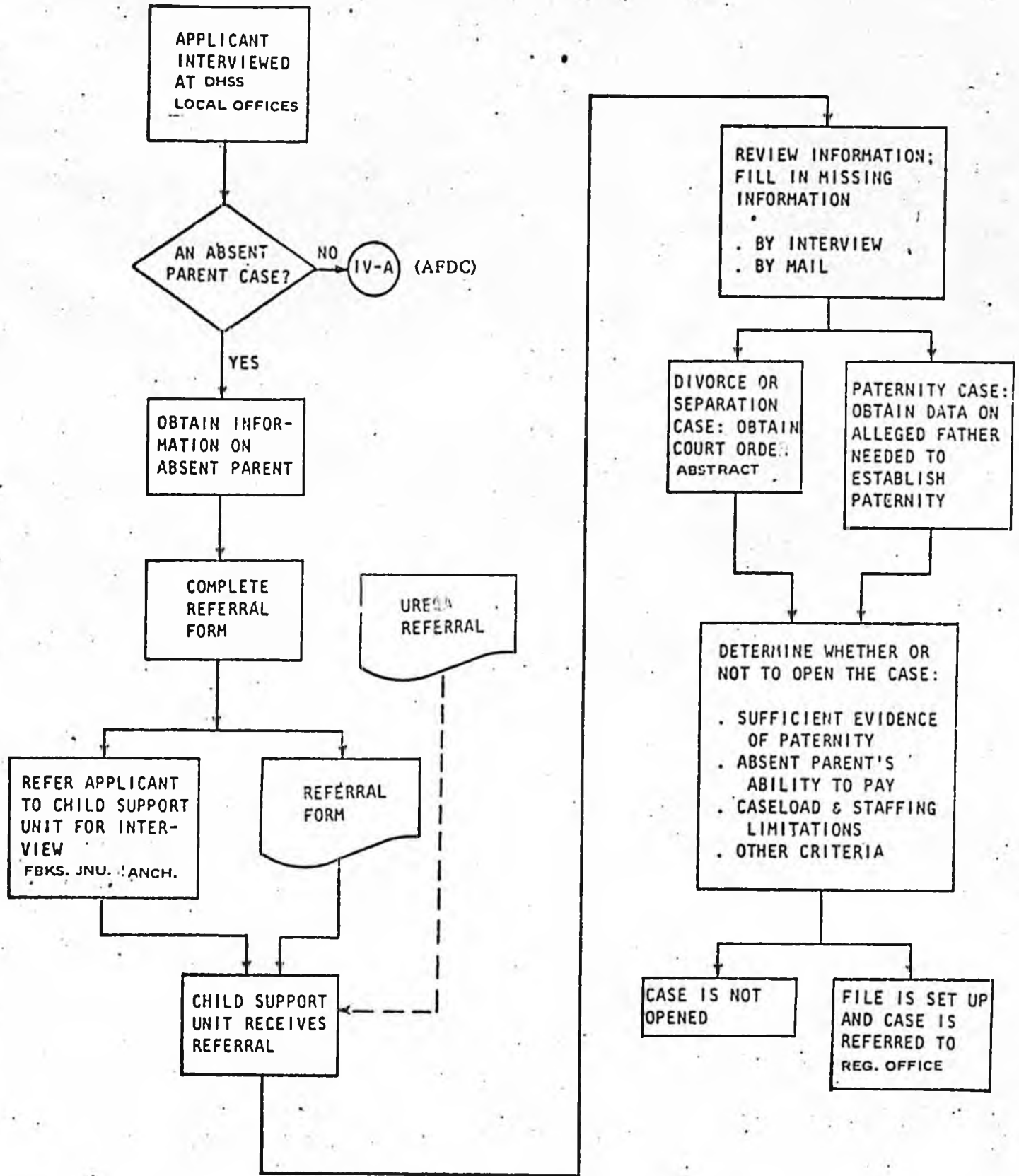
The following processes will be required to operate an effective Child Support Enforcement Agency for Alaska:

- I. **INTAKE:** Activities associated with initial case opening
 - Referrals from IV-A Agency
 - Referrals from other states' IV-D agencies
 - URESAs cases
 - Applications from public-at-large
 - Court order referrals
- II. **ESTABLISHMENT OF THE LEGAL OBLIGATION TO SUPPORT:** Activities related to determining the absent parent's legal obligation to support his/her dependent children (including paternity determination).
- III. **LOCATION:** Activities associated with locating an absent parent and/or his or her financial assets.
- IV. **FINANCIAL ASSESSMENT:** Activities related to determining an absent parent's support capacity, i.e., ability to pay.
- V. **ESTABLISHMENT OF SUPPORT:** Activities related to establishing an absent parent's support obligation, including methods and terms of payment.
- VI. **COLLECTION:** Activities related to monitoring payment activity and processing cash flow.
- VII. **ENFORCEMENT:** Activities taken to enforce support collection (issuing summonses, preparing complaints and actions for court processing).

ALASKA
CHILD SUPPORT ENFORCEMENT
FUNCTIONAL PROCESS FLOW

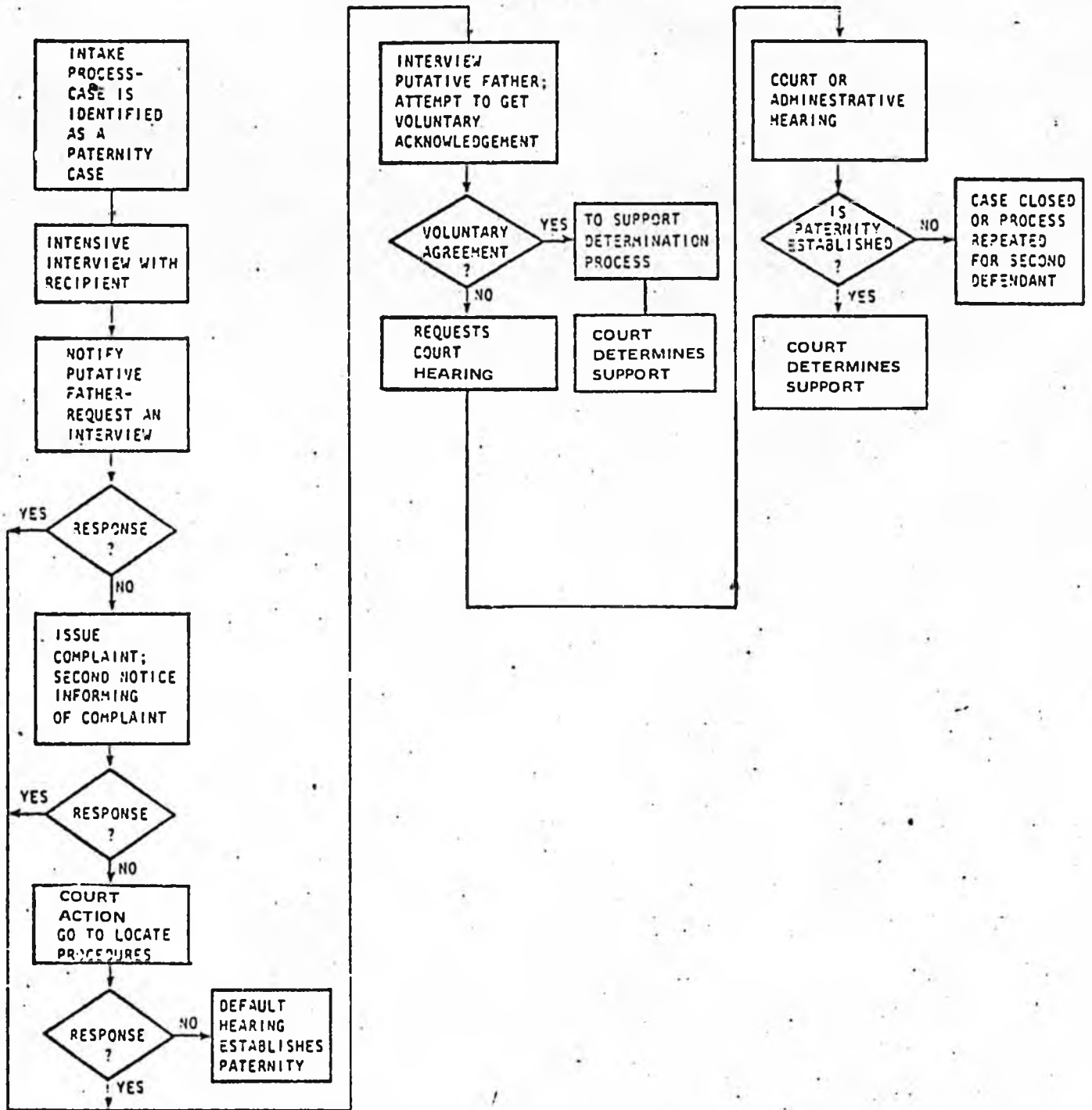


INTAKE PROCESS FLOW CHART



ALASKA CHILD SUPPORT ENFORCEMENT AGENCY

DETERMINATION OF PATERNITY PROCESS FLOWCHART



STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 92311

SUMMARY OF REQUIREMENTS FOR STATES

CHILD SUPPORT ENFORCEMENT ACT

UNDER

PUBLIC LAW 93-647

PUBLIC LAW 94-88

and

CODIFIED FEDERAL REGULATIONS: TITLE 45

(Source: "Child Support Data and Materials", Committee on Finance, United States Senate, November 10, 1975. Provisions in Codified Federal Regulations are subjected to revisions from time to time. This material reflects the latest information available to the Department.)

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PART 303

STANDARDS FOR AN EFFECTIVE PROGRAM

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PART 232

Special provisions applicable to Title IVA (AFDC) of the Social Security Act.

Paragraph numbers refer to CFR 45

1. Section 232.2 CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS

The State plan must specify that the State (a) has in effect a plan approved under Part D of Title IV of the Act; and (b) operates a child support program in conformity with such plan.

2. Section 232.10 FURNISHING OF SOCIAL SECURITY NUMBERS

The State plan must provide that as a condition of eligibility each applicant for or recipient of aid will be required to furnish to the State or local agency a social security number. If he cannot furnish a SSN (either because such SSN has not been issued or is not known), to apply for such number through procedures adopted by the State or local agency with the Social Security Administration.

3. Section 232.11 ASSIGNMENT OF RIGHTS TO SUPPORT

The State plan must provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC shall assign to the State any rights to support from any other person as such applicant or recipient may have in his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance.

4. Section 232.12 COOPERATION IN OBTAINING SUPPORT

The State plan must provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate with the State in:

- (1) Identifying and locating the parent of a child with respect to whom aid is claimed;
- (2) Establishing the paternity of a child born out of wedlock with respect to whom aid is claimed;
- (3) Obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed; and
- (4) Obtaining any other payments or property due such applicant or recipient of such child.

"Cooperate" includes other specified obligations.

SECTION 232.20 TREATMENT OF CHILD SUPPORT COLLECTIONS MADE IN THE
CHILD SUPPORT ENFORCEMENT PROGRAM AS INCOME AND RESOURCES IN THE
TITLE IVA PROGRAM (AFDC)

The State plan must provide that in any case in which child support payments are collected for a recipient of AFDC with respect to whom assignment under Section 232.11 is effective, upon notification to the IVD agency of the amount of a child support collection, such amount will be used to redetermine eligibility for an assistance payment the first time it is feasible for the IV-A to consider such collections in re-determining eligibility for an assistance payment the first time it is feasible for the IV-A agency to consider such collections in re-determining eligibility for and the amount of the assistance payment. A detailed time constraint is specified.

6. Section 232.20 NEED AND AMOUNT OF ASSISTANCE

Income and resources; OAA, AFDC, AB, APTD, and AABD

The plan must provide that agency policies will assure that in determining the eligibility of an individual for an assistance payment or the amount of such payment, child support amounts which are collected as part of the State's child support enforcement program will be treated in accordance with Section 232.20. Any child support amounts for which an assignment pursuant to Section 232.11 is effective, which are received directly by the assistance unit shall be paid to the State child support enforcement unit.

7. Section 233.90 FACTORS SPECIFIC TO AFDC

A child may not be denied AFDC either initially or subsequently because a parent or other caretaker relative fails to cooperate with the child support agency in performing any of the activities needed to (a) establish the paternity of a child born out of wedlock; or (b) obtain support from a person having a legal duty to support the child. Any parent or caretaker relative who fails to so cooperate shall be treated in accordance with Section 232.12 of the chapter.

8. Section 234.60 PROTECTIVE AND VENDOR PAYMENTS FOR DEPENDENT CHILDREN

If a State plan for AFDC under Title IVA of the Social Security Act provides for protective and vendor payments for other than WIN cases and cases in which the caretaker relative fails to meet the eligibility requirements of Section 232.11 or 232.12 of this chapter, alternate eligibility requirements are provided and specified.

9. Section 235.70 PROMPT NOTICE TO CHILD SUPPORT AGENCY

A State plan under Title IVA of the Social Security Act must provide for prompt notice to the State or local child support agency designated pursuant to Section 454 (3) of the Social Security Act whenever AFDC is furnished with respect to the a child who has been deserted or abandoned by a parent. Prompt notice is specified.

PART 301

CHILD SUPPORT ENFORCEMENT PROGRAM
STATE REQUIREMENTS

1. Section 301.10 STATE PLAN

The State plan must be a comprehensive document submitted by the IV-D (Child Support Agency) describing nature and scope of the State program and providing the federal government with a list of technical assurances.

Format: The State plan must be submitted to the federal government in the format and containing the information prescribed, and within time limits set in implementing instructions issued.

Submittal of State plan for Governor's review: The State plan must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon.

Approval of State plans and amendments: State plan furnished by the State to cover its Child Support Enforcement program under title IV-D of the Act. After approval of the original plan by HEW, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that HEW may determine whether the plan continues to meet Federal requirements and policies.

A specific State plan routing is specified and time frames for approvals are set forth in regulations:

The effective date of a new plan may not be earlier than the first day of the calendar quarter in which a approvable plan is submitted.

An administrative review of federal administrative decisions is provided under regulations. A plan for financial grants to states is detailed in 301.15.

2. Section 302.10 STATEWIDE OPERATIONS

The State plan shall provide that:

- (a) It will be in operation on a statewide basis in accordance with equitable standards for administration that are mandatory throughout the State;
- (b) If administered by a political subdivision of the State, the plan will be mandatory on such political subdivision;
- (c) The IV-D agency will assure that the plan is continuously in operation in all appropriate offices or agencies.

3. Section 302.11 STATE FINANCIAL PARTICIPATION

The State plan shall provide that the State will participate financially in the program.

4. Section 302.12 SINGLE AND SEPARATE ORGANIZATION UNIT

The State plan shall provide for the establishment or designation of a single and separate organizational unit to administer the IV-D plan.

(a) The IV-D agency may be:

- (1) Located in the single State agency designated pursuant to Section 205.100 to administer title IV-A of the Act;
- (2) Located in any other agency of the State; or,
- (3) Established as a new agency of the State.

(b) The IV-D agency shall be responsible and accountable for the operation of the IV-D program. Except as provided in Section 303.20 of the Part, the agency need not perform all the functions of the IV-D program so long as it insures that all these functions are being carried out properly, efficiently, and effectively;

(c) If the IV-D agency delegates any of the functions of the IV-D program to any other State or local agency or official, or any official with whom a cooperative agreement as described in Section 302.34 has been entered into or purchases services from any person or private agency pursuant to Section 304.22 of this Part, the IV-D agency shall have responsibility for securing compliance with the requirements of the State plan by such agency or officials.

5. Section 302.13 PLAN AMENDMENTS

The State plan shall provide that the plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy, or IV-D agency operation.

Federal financial participation. Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

6. Section 302.14 FISCAL POLICIES AND ACCOUNTABILITY

The State plan shall provide that the IV-D agency, in discharging its fiscal accountability, will maintain an accounting system and supporting

fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements.

7. Section 302.15 REPORTS AND MAINTENANCE OF RECORDS

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

Applications for child support services available under the State plan,

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

Amount and sources of child support collections, the distribution of these collections,

Any fees charged or paid for child support enforcement services,

Other administrative costs,

Other information required by HEW;

Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary of HEW.

The retention and custodial requirements for these records are prescribed in detail.

The IV-D agency will make such reports in such form and containing such information, as the Secretary may from time to time find necessary to assure the correctness and verification of such reports. Detailed audit and record maintenance systems are mandated.

8. Section 302.16 COST ALLOCATION

The State plan shall provide that, the IV-D agency has an approved cost allocation plan on file with the Regional Office which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services (excluding purchased services), and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Office regulations and instructions. Detailed requirements are specified.

Federal financial participation. As a condition for receipt of Federal financial participation in administration of the IV-D program for any quarterly period, a IV-D agency's claim for such expenditures must be in accord with a cost allocation plan on file with and approved by the Regional Office for that period.

9. Section 302.17 INCLUSION OF STATE STATUTES

The State plan shall provide a copy of State statutes, or regulations promulgated pursuant 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 such child support obligations.

10. Section 302.31 ESTABLISHING PATERINITY AND SECURING SUPPORT

The State plan shall provide that the IV-D agency will undertake:

- (a) In the case of a child born out of wedlock with respect to whom an assignment under Section 232.11 of this title is effective, to establish the paternity of such child; and
- (b) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate.

11. Section 302.32 CHILD SUPPORT PAYMENTS TO THE IV-D AGENCY

The State plan shall provide that:

- (a) In any case in which child support payments are collected for a recipient of aid under the State's title IV-D (AFDC) plan with respect to whom an assignment under Section 232.11 is effective, such payments shall be made to the IV-D agency and shall not be paid directly to the family except as provided in paragraph (b).
- (b) As soon as possible but not later than 30 days after the end of a month, the IV-D agency will inform the agency administering the State's title IV-A (AFDC) plan of the amount of the collection which represents payment on the required support obligation for that month as determined in Section 302.51 (a). Upon being informed of this amount, the IV-A (AFDC) agency will determine if such amount is sufficient to make the family ineligible for an assistance payment pursuant to the State's IV-A plan (See Section 232.20 of Chapter II of this Title). If such amount is sufficient to make the family ineligible for an assistance payment, the IV-A agency will notify the IV-D agency of such fact and the IV-D agency must pay such amount to the family in the month for which the IV-A agency had determined that the family is ineligible for an assistance payment except in those cases pursuant to Section 205.10 of this title in which a family is nevertheless entitled to an assistance payment pending the result of a hearing. With such payment the IV-D agency will notify the family if it will continue to collect and distribute current support payments pursuant to Section 302.5 (e) (1) of this part.
- (c) If the IV-A agency determines that the amount of the collection which represents payment on the required support obligation for the month does not make the family ineligible for an assistance payment, or if a hearing is requested pursu-

ant to Section 205.10 of this title the IV-A agency will notify the IV-D agency of such fact and the IV-D agency will distribute such amount pursuant to Section 302.51 of this part.

- (d) To the extent any amount collected in a month includes payment on required support obligations for past months, that portion of such amount will be distributed by the IV-D agency pursuant to Section 302.51. Other detailed provisions for payment plans are provided.

12. Section 302.33 INDIVIDUALS NOT OTHERWISE ELIGIBLE FOR PATERNITY AND CHILD SUPPORT SERVICES

- (a) The State plan shall provide that the child support collection or paternity determination services established under the plan shall be made available to any individuals not otherwise eligible for such services upon application filed by such individual with the IV-D agency.
- (b) The State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:
 - (1) A flat dollar amount not to exceed \$20 to be charged each applicant; or,
 - (2) A fee schedule to be used to determine the fee to be charged each applicant, based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.
- (c) The State plan may provide for recovery of any costs incurred in excess of the application fee in collection of child support. If the State elects to recover such costs they shall be deducted from the amount of such recovery.
- (d) The IV-D agency may take as assignment of support rights from an individual applying for paternity or child support services under this section. However, such assignment shall not constitute an assignment for purposes of Section 232.11 of this title and may not be a condition of receipt of such services.

13. Section 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 Section 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. Other topics such as prosecution of fraud directly related to paternity and child support, reimbursement to courts and law-enforcement officials for this assistance are treated.

14. Section 302.35 STATE PARENT LOCATOR SERVICE

The State plan shall provide that:

- (a) The IV-D agency will establish a parent locator service utilizing:
 - (1) All sources of information and records available in the State, and in other States as appropriate; and
 - (2) The Federal PLS of the Department of Health, Education, and Welfare.
- (b) The State PLS will have a central State office and may also establish or designate offices at the local level.
- (c) The IV-D agency will accept applications to utilize the Federal PLS from:
 - (1) Any State or local agency or official seeking to collect child support obligations pursuant to the State plan;
 - (2) A court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agency of such court; or
 - (3) The resident parent, legal guardian, attorney, or agent of a child who is not receiving aid under title IV-A of the Act.

However, prior to the submission of any request to the Federal PLS, the State PLS must first make diligent and reasonable efforts to exhaust the State and local parent locator resources;
- (d) Any requests to the Federal PLS under section 453 of the Act will be submitted only by the central State office in accordance with the manner and form prescribed by the Secretary.
- (e) The IV-D agency will collect or pay the fee which is required by section 453 (e) (2) of the Act to be charged the individuals described in paragraph (c) (3) of this section.

15. Section 302.36 COOPERATION WITH OTHER STATES

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

- (a) In establishing paternity, if necessary;
- (b) In locating an absent parent who is present in the State and against whom any action is being taken under a IV-D program in 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 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,
- (d) In carrying out any other function required under a plan approved under title IV-D.

16. Section 302.37 DISTRIBUTION OF CHILD SUPPORT PAYMENTS

The State plan shall provide that, pursuant to the requirements of Section 302.32 of this Part, amounts collected as child support will be distributed as provided in Section 302.51 of this part.

17. Section 302.38 PAYMENTS TO THE FAMILY

The State plan shall provide that any payment required to be made under Sections 302.32 and 302.51 of this Part to a family will be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children.

18. Section 302.39 STANDARDS FOR AN EFFECTIVE PROGRAM

The State plan shall provide that the IV-D agency will comply with the standards for an effective program and the organizational and staffing requirements prescribed by Part 303 of this Chapter.

19. Section 302.50 SUPPORT OBLIGATIONS

The State plan shall provide as follows:

- (a) The support rights assigned to the IV-D agency pursuant to Section 232.11 of this title constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation shall be established by:
 - (1) Order of a court of competent jurisdiction;
 - (2) Other legal process as established by State laws, such as an administrative hearing process or a legally enforceable and binding agreement; or,

- (3) For cases receiving child support services under the provisions of section 402 (a) (17) and (18) of the Act prior to July 1, 1975, the obligation may be that established by an agreement which was entered into prior to July 1, 1975 which does not meet the requirement of paragraph (a) (2) of this section.
- (b) The amount of the obligation described in paragraph (a) of this section shall be:
 - (1) The amount specified in the order of a court of competent jurisdiction which covers the assigned support rights; or
 - (2) If there is no court order, an amount determined in writing by the IV-D agency as part of the legal process referred to in paragraph (a) (2) of this section in accordance with a formula which meets the criteria prescribed in Section 302.53.
- (c) The obligation described in paragraph (a) of this section shall be deemed for collection purposes to be collectible under all applicable State and local processes.
- (d) Any amounts which represent support payments collected from an individual responsible for providing support under the State plan shall reduce, dollar for dollar, the amount of his obligation under this section.

20. Section 302.51 DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

- (a) For the purposes of distribution under this section, amounts collected shall be treated first as payment on the required support obligation for the month in which the support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months.
- (b) The amounts collected as support by the IV-D agency pursuant to the State plan for children who are current recipients of aid under the State's title IV-A (AFDC) plan and for whom an assignment under Section 232.11 of this title is effective shall be distributed as specified in a detailed provision of regulation which accompanies 302.51.
- (c) If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months with exceptions listed.

21. Section 302.52 INCENTIVE PAYMENTS TO POLITICAL SUBDIVISIONS AND OTHER STATES

The State plan shall provide as follows:

(a) When, pursuant to the State plan, a political subdivision of the State (or a legal entity of the political subdivision, such as a Prosecuting or District Attorney or a Friend of the Court) makes, for the State of which it is political subdivision, or on State makes for another State, the enforcement and collection of the support rights assigned under Section 232.11 of this title (either within, or outside of the State making the enforcement or collection), the IV-D agency making the distribution pursuant to Section 302.51 of this Chapter of the amounts collected shall pay to the political subdivision or State making the enforcement and collection from the amounts which would otherwise represent the Federal share of the assistance payments to the family of the absent parent:

- (1) An amount equal to 25 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with Section 302.51 (b) (2) or (4)) which represents payment on the required support obligation owed for 12 months; and
- (2) An amount equal to 10 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with Section 302.51 (b) (2) or (4)) which is attributable to the support obligation owed for any month after the first 12 months for which collections are made. Other incentive provisions and payment transmitting provisions are listed.

22. Section 202.53 FORMULA FOR DETERMINING THE AMOUNT OF THE OBLIGATION

(a) There shall be a formula to be utilized by the IV-D agency in determining the amount of the support obligation pursuant to Section 302.50 when there is no court order covering the obligation. Such formula must take into consideration the following criteria:

- (1) All earnings, income resources of the absent parent including real and personal property;
- (2) The earnings potential of the absent parent;
- (3) The reasonable necessities of the absent parent;
- (4) The ability of the absent parent to borrow;
- (5) The needs of the child for whom the support is sought;
- (6) The amount of assistance which would be paid to the child under the full standard of need of the State's IV-A (AFDC) plan;
- (7) The existence of other dependents; and

(b) Other reasonable criteria which the State may choose to incorporate. Child benefit assurances are required and listed.

23. Section 302.70 REQUEST FOR INFORMATION FROM THE FEDERAL PARENT LOCATOR SERVICE (PLS)

The State plan shall provide as follows:

- (a) All requests for information from the Federal PLS will originate from the central office of the State PLS.
- (b) Diligent and reasonable efforts to exhaust all appropriate State and local locate sources will be made prior to requesting information from the Federal PLS.
- (c) All requests will be on such forms and in such format as may be prescribed by HEW.
- (d) Each request to the Federal PLS must contain specific information, as detailed, if known.
- (e) All requests to the Federal PLS will be accompanied by a statement, signed by the head of the IV-D agency or his designee, attesting purposes of the request, confidentiality assurances and other assurances.
- (f) The State PLS shall collect such fee as HEW may from time to time establish for each request to the Federal PLS pursuant to Section 302.35 (c) (3).

24. Section 302.71 REQUESTS FOR COLLECTION BY THE SECRETARY OF THE TREASURY

- (a) The State plan shall provide that the IV-D agency may request the Secretary to certify the amount of any child support obligation assigned to the IV-D agency to the Secretary of the Treasury or his delegate for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. Such requests shall be submitted to the Regional Office, using such forms as may be prescribed by the Office of Child Support Enforcement, signed by the head of the IV-D agency or his designee, and accompanied by specified information.

25. Section 302.72 APPLICATIONS TO USE THE COURTS OF THE UNITED STATES TO ENFORCE COURT ORDERS

- (a) The State plan shall provide that the IV-D agency may apply to the Secretary for permission to utilize a United States district court to enforce a child support order of a court of competent jurisdiction against an absent parent who is present in another State when the IV-D agency can furnish certain listed evidence.

(b) Other reasonable criteria which the State may choose to incorporate. Child benefit assurances are required and listed.

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- (d) Each request to the Federal PLS must contain specific information, as detailed, if known.
- (e) All requests to the Federal PLS will be accompanied by a statement, signed by the head of the IV-D agency or his designee, attesting purposes of the request, confidentiality assurances and other assurances.
- (f) The State PLS shall collect such fee as HEW may from time to time establish for each request to the Federal PLS pursuant to Section 302.35 (c) (3).

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Senate Bill 659 would create an agency in the Department of Health and Social Services to administer and enforce child support. It provides action by a designated agency towards legally providing for the support of minor children where absent responsible parents are concerned.

The bill provides for court-based due process. It provides for action "in the name of the State" against liable persons. This would permit the court, the agency or a party to bring actions in court on behalf of the minor child (to include: 1) assignment of wages of "either parent or both parents," and 2) for arrearages from the date of a court order).

The remainder of the bill deals largely with court rules and legal procedures. It provides that the agency must respond to all persons due child support, i.e., Aid to Families with Dependent Children (AFDC), other indigent, and non-AFDC supported. Further that any fees charges shall be at "actual cost" and be paid into the general fund of the State.

The Department of Health and Social Services would be required to administer this agency's program for child support, to include actions brought by the agency in the name of the State. Legal services are to be contracted from the Department of Law. Primary internal impact on other Department of Health and Social Services efforts involves the AFDC program administered by the Division of Public Assistance. The AFDC program would continue to generate data relating to child support paid in lieu of contributions from absent responsible parents. AFDC would also continue to generate basic information on absent parents to enable the agency to begin its effort to locate and collect support moneys to: 1) reimburse AFDC for payments made; and 2) where possible, based on parental financial ability, provide for additional support to dependent children.

The impact of the bill on the agency itself, beyond creation of the agency, focuses on: 1) the interface with Public Laws 93-647 and 94-88, and 2) the ability of the agency to respond to certain provisions in the bill.

The agency has been assigned a collection and disbursement function, both as to AFDC and non-AFDC cases. The agency will need the ability to disburse payments to recipients and to support non-indigent activities from generated receipts.

Add Section 47.23.035 "Establishment of Fund":

47.23.035 Establishment of Fund

There is established in the State general fund a continuing, revolving, reserve account to receive collections and make the authorized disbursements of the agency.

29
7

22
8 for
14 new