



Side-by-Side Comparison of Child Support Provisions in House and Senate TANF Reauthorization Legislation
by Vicki Turetsky (Updated July 1, 2002)

This document summarizes and compares the child support-related provisions in current law and recent TANF reauthorization proposals. However, it is not a comprehensive summary of these proposals. This document is part of a larger joint project of CLASP and the Center on Budget and Policy Priorities to develop side-by-sides on other aspects of proposed TANF reauthorization legislation.¹

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Pre-assistance assignment	TANF applicants must assign to the state their rights to unpaid child support owed before and during the assistance period to repay cash assistance.	Current law.	Eliminates “pre-assistance assignment” requirement. Effective Oct. 1, 2006; states may implement early.	Eliminates “pre-assistance assignment” requirement.	Current law.	Not addressed.	Not addressed.	Eliminates “pre-assistance assignment” requirement. Effective Oct. 1, 2005; states may implement early.
Pre-1997 assignments	Any rights to unpaid support assigned to a state and in effect on Sept. 30, 1997 must remain in effect.	Current law.	States have the option to discontinue pre-1997 assignments.	States have the option to discontinue pre-1997 assignments.	Current law.	Not addressed.	Not addressed.	States have the option to discontinue pre-1997 assignments.

¹ Many thanks to Shawn Fremstad, Center on Budget and Policy Priorities, for his helpful comments.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Distribution of child support to families who have left TANF	After a family leaves TANF, support is paid to the family, except for support collected through offsets to obligors' federal tax refunds. Federal tax offset collections are retained by the state, and shared with the federal government.	State option to pay all collected support to former TANF families. The state's obligation to pay the federal share of the support is waived if the state elects the option. Effective Oct. 1, 2004; early implementation not authorized.	States must eliminate the federal tax offset exception, paying collected support to former TANF families. The state's obligation to pay the federal share of support is waived if the state elects the option. Effective Oct. 1, 2006; states may implement early.	State option to eliminate the tax offset exception, paying collected support to former TANF families before the state. The state's obligation to pay the federal share of support is waived if the state elects the option.	State option to pay all collected support to former TANF families. The state's obligation to pay the federal share of the support is waived if the state elects the option. Effective Oct. 1, 2004; early implementation not authorized.	Not addressed.	Not addressed.	State option to eliminate the tax offset exception, paying collected support to former TANF families before the state. The state's obligation to pay the federal share of support is waived if the state elects the option. Effective Oct. 1, 2005; states may implement early.
Pass-through of child support to TANF families	States may retain or "pass through" support to families receiving TANF assistance, but in either case must pay a share of collections to the federal government. If a state passes through support, it may count the support as income or disregard it in determining TANF assistance.	Requires federal government to waive its share of an <i>increase</i> in a pass-through and disregard amount, up to the greater of a \$50 increase or \$100 pass-through. Effective Oct. 1, 2004; early implementation not authorized.	Requires federal government to waive its share to the extent that the state passes through and disregards the support in determining TANF benefits, provided that family has not received TANF for more than 5 years. Effective Oct. 1, 2006; states may implement early.	Requires federal government to waive its share to the extent that the state passes through and disregards the support in determining TANF benefits, provided that family has not received TANF for more than 5 years after enactment, up to \$400 (for one child) and \$600 (for two or more children).	Requires federal government to waive its share of an <i>increase</i> in a pass-through and disregard amount, up to the greater of a \$50 increase or \$100 pass-through. Effective Oct. 1, 2004; early implementation not authorized.	Not addressed.	Not addressed.	Requires federal government to waive its share to the extent that the state passes through and disregards the support in determining TANF benefits. Effective Oct. 1, 2005; states may implement early.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Distribution based on date of accrual or collection	Child support is distributed to the state or the family depending upon on the date the support is owed.	While unclear, the language appears to allow a shift from distribution based on the date the support is owed to distribution based on the date the support is collected.	Current law.	Current law.	While unclear, the language appears to allow a shift from distribution based on the date the support is owed to distribution based on the date the support is collected.	Not addressed.	Not addressed.	Current law.
State financing flexibility	States may use TANF or state maintenance of effort (MOE) funds to pay for support passed through to families receiving TANF assistance and disregarded in determining TANF benefits.	Current law.	In addition, states may use TANF and state MOE funds to pay for the state share of expanded distribution to former TANF families.	In addition, states may use TANF and state MOE funds to pay for the state share of expanded distribution to former TANF families.	Current law.	Not addressed.	Not addressed.	In addition, states may use TANF and state MOE funds to pay for the state share of expanded distribution to former TANF families.
States with 1115 pass-through waivers	No provision.	Current law.	Current law.	A state with a waiver effective on or before Oct. 1, 1997 to pass through child support may continue to pass through support according to the waiver terms.	Current law.	Not addressed.	Not addressed.	A state with a waiver effective on or before Oct. 1, 1997 to pass through child support may continue to pass through support according to the waiver terms.
Medicaid birthing costs	Some states add the Medicaid costs associated with pregnancy and childbirth to the support orders of non-custodial parents.	Current law.	States may not recover Medicaid birthing costs through the child support program. Effective Oct. 1, 2006; states may implement early.	States may not recover Medicaid birthing costs through the child support program.	Current law.	Not addressed.	Not addressed.	States may not recover Medicaid childbirth costs through the child support program. Effective Oct. 1, 2005; states may implement early.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Financing and administrative review	No provision.	Current law.	Current law.	\$50 million in 2003 provided to states (\$750,000 per state) to review policies on: collecting fees; undistributed collections; arrears; interstate collections; order establishment; review and adjustment; review and implement distribution options; update automated systems; improving customer service.	Current law.	Not addressed.	Not addressed.	Current law.
Fatherhood funds	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.	See "Family Formation" side-by-side.
Transitional Medical Assistance (TMA)	Families receiving Medicaid for 3 of the last 6 months who lose Medicaid eligibility because of earnings or child support are eligible.	Reauthorizes TMA 1 year through FY 2003.	Permanently reauthorizes TMA with new state options to extend eligibility and simplify participant reporting requirements.	Reauthorizes TMA with new state options to extend eligibility and simplify participant reporting requirements.	Reauthorizes TMA 1 year through FY 2003. Funded through adjustment to payments for Medicaid administrative costs.	Reauthorizes TMA through FY 2007. TMA should be readily available to families leaving welfare to work.	Reauthorizes TMA through FY 2007 with new state options to extend eligibility and simplify participant reporting requirements.	Permanently reauthorizes TMA with new state options to extend eligibility and simplify participant reporting requirements.
Review and adjustment	States may review and adjust assigned support orders every 3 years, and must review and adjust orders upon the request of either parent.	Requires states to review and adjust assigned support orders every 3 years. Effective Oct. 1, 2004.	Current law.	Requires states to review and adjust TANF and former TANF support orders every 3 years.	Requires states to review and adjust assigned support orders every 3 years. Effective Oct. 1, 2004.	Not addressed.	Not addressed.	Current law.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Service fee	States must impose an application fee up to \$25, and may impose other fees and costs, paid by either parent (or the state), except for an individual receiving TANF, Medicaid, foster care or (in some circumstances) Food Stamps.	In addition, states must impose an annual \$25 service fee on individuals who never received TANF assistance and for whom the state has collected at least \$500 of support, paid by either parent (or the state). Effective Oct. 1, 2003.	Current law.	Current law.	In addition, states must impose an annual \$25 service fee on individuals who never received TANF assistance and for whom the state has collected at least \$500 of support, paid by either parent (or the state). Effective Oct. 1, 2003.	Not addressed.	Not addressed.	Current law.
Use of new hire data for unemployment compensation	No provision.	State employment security agencies may obtain information from the National Directory of New Hires for purposes of administering the unemployment compensation program. Effective Oct. 1, 2003.	Current law.	State employment security agencies may obtain information from the National Directory of New Hires for purposes of administering the unemployment compensation program.	State employment security agencies may obtain information from the National Directory of New Hires for purposes of administering the unemployment compensation program. Effective Oct. 1, 2003.	Not addressed.	Not addressed.	State employment security agencies may obtain information from the National Directory of New Hires for purposes of administering the unemployment compensation program. Effective Oct. 1, 2002.
Threshold for passport denial	The Secretary of State must deny passports to obligors who owe more than \$5,000 in past due support.	The threshold for passport denial is lowered from \$5,000 to \$2,500. Effective Oct. 1, 2003.	Current law.	The threshold for passport denial is lowered from \$5,000 to \$2,500.	The threshold for passport denial is lowered from \$5,000 to \$2,500. Effective Oct. 1, 2003.	Not addressed.	Not addressed.	The threshold for passport denial is lowered from \$5,000 to \$2,500. Effective Oct. 1, 2002.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Federal tax offsets permitted for adult children	The federal tax offset procedure is available to withhold overdue support owed to minor or disabled children from tax refunds due to delinquent obligors.	The definition of "child" is expanded to include those who are not minors. Effective Oct. 1, 2004.	Current law.	The definition of "child" is expanded to include those who are not minors.	The definition of "child" is expanded to include those who are not minors. Effective Oct. 1, 2004.	Not addressed.	Not addressed.	The definition of "child" is expanded to include those who are not minors. Effective Oct. 1, 2002.
Veteran's disability pay	Veteran's pay for a service-connected disability is subject to child support withholding if the veteran has waived a portion of retired or retainer pay in order to receive the disability pay.	Veteran's pay for a service-connected disability is not subject to withholding for (1) alimony, or (2) child support less than 60 days past due. Not more than 50% of this pay may be withheld. Effective Oct. 1, 2004.	Current law.	Current law.	Veteran's pay for a service-connected disability is not subject to withholding for (1) alimony, or (2) child support less than 60 days past due. Not more than 50% of this pay may be withheld. Effective Oct. 1, 2004.	Not addressed.	Not addressed.	Veteran's pay for a service-connected disability is not subject to withholding for (1) alimony, or (2) child support less than 60 days past due. Not more than 50% of this pay may be withheld. Effective Oct. 1, 2002.
Social Security benefit match	The federal debt collection procedure does not allow for administrative offsets of Social Security Administration payments.	Social Security (OASDI) payments are subject to federal administrative offsets to collect past-due support. Effective Oct. 1, 2002.	Current law.	Current law.	Social Security (OASDI) payments are subject to federal administrative offsets to collect past-due support. Effective Oct. 1, 2002.	Not addressed.	Not addressed.	Current law.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Uniform Interstate Family Support Act (UIFSA)	States must enact the UIFSA provisions in effect on August 22, 1996.	Current law.	Current law.	States must adopt and update their child support guidelines based on the 2001 UIFSA.	Current law.	Not addressed.	Not addressed.	Current law.
Non-immigrant aliens	No provision.	Current law.	Current law.	Current law.	Current law.	Not addressed.	Not addressed.	Non-immigrant aliens are inadmissible if they have arrearages over \$2,500. Immigration officers may serve legal process to enforce child support. Effective Oct. 1, 2002.
Public non-IV-D demonstrations	No provision.	Current law.	Current law.	Current law.	Current law.	Not addressed.	Not addressed.	Secretary of HHS to conduct demonstrations to test the role of public non-IV-D agencies.
Technical assistance funding	An amount equal to 1% of the federal share of collections is appropriated for federal Office of Child Support Enforcement research, technical assistance, and training.	An amount equal to 1% of the federal share of collections, or the amount appropriated for FY 2002, whichever is greater, is appropriated for such activities.	Current law.	Current law.	An amount equal to 1% of the federal share of collections, or the amount appropriated for FY 2002, whichever is greater, is appropriated for such activities.	Not addressed.	Not addressed.	Current law.

	Current Law	House-passed bill H.R. 4737	House Democratic Substitute	Senate Finance Committee provisions	Hutchinson bill S. 2648	Senate H.E.L.P. Democratic Principles	Rockefeller Bill S. 2052	Bayh/Carper Bill S. 2524
Federal Parent Locator Service (FPLS) funding	An amount equal to 2% of the federal share of collections is appropriated to operate the FPLS.	An amount equal to 2% of the federal share of collections, or the amount appropriated for FY 2002, whichever is greater, is appropriated to operate the FPLS.	Current law.	Current law.	An amount equal to 2% of the federal share of collections, or the amount appropriated for FY 2002, whichever is greater, is appropriated to operate the FPLS.	Not addressed.	Not addressed.	Current law.
Tribal child support regulations	States may enter into cooperative agreements with an Indian tribe or tribal organization to operate a child support program.	Current law.	Current law.	HHS must promulgate final regulations concerning tribal child support programs within 1 year of enactment.	Current law.	Not addressed.	Not addressed.	Not addressed.
Undistributed child support collections	No provision.	Within 6 months, Secretary of HHS must submit a report to Congress on the procedures used by states to locate custodial parents, estimated undistributed support amounts, timeframes, and recommendations.	Current law.	Within 6 months, Secretary of HHS must submit a report to the Congress on the procedures used by states to locate custodial parents, estimated undistributed support amounts, timeframes, and recommendations.	Within 6 months, Secretary of HHS must submit a report to Congress on the procedures used by states to locate custodial parents, estimated undistributed support amounts, timeframes, and recommendations.	Not addressed.	Not addressed.	Within 6 months, Secretary of HHS must submit a report to the Congress on the procedures used by states to locate custodial parents, estimated undistributed support amounts, timeframes, and recommendations. Effective Oct. 1, 2002.
Annual child support report	The Secretary of HHS is required to provide Congress with an annual child support report.	Current law.	Current law.	The Secretary of HHS must provide a report on state child support program performance.	Current law.	Not addressed.	Not addressed.	Current law.