National Coalition for Homeless Veterans
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Federal Office of Child Support Enforcement
What is the Child Support Program?

Federal, state and tribal child support agencies work together to collect and distribute child support payments and to provide health care coverage.
Federal Office of Child Support Enforcement (OCSE)

- OCSE administers the federal child support program.

- The federal child support program is authorized by Title IV-D of the Social Security Act.

- OCSE is a program in the Administration for Children and Families (ACF), which is an operating division in the Department of Health and Human Services (HHS).

- OCSE has staff at a central office in Washington, DC and in 10 regional offices throughout the United States.
Map of the Regional Offices

U.S. Department of Health & Human Services

Regions

1. Boston
2. DC
3. Puerto Rico
4. U.S. Virgin Islands
5. Chicago
6. Kansas City
7. Denver
8. San Francisco
9. Seattle
10. Hawaii

11. NYC
State Child Support Programs

• There is a federally funded child support program in each state as well as the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

• Each of these states and territories have an approved IV-D plan which documents compliance with federal requirements and allows the federal government to help fund their child support program.
State and Tribal Functions

- Locate parents
- Establish paternity
- Review & adjust orders
- Establish orders
- Collect support
- Cooperate in intergovernmental enforcement
- Monitor & distribute collections
Support Collection Tools

Federally Mandated Tools

Income withholding
- 75% of total support collections nationwide
- Standardized IWO forms all states issue to employers

Credit reporting of arrearages

In-state Financial Data Match (FIDM)

Withhold Federal and State Income Tax Refund
Support Collection Tools

Optional Collection Tools
- State tax refund offset
- Lottery/casino winnings interception
- Liens/garnishments/levies
- Property seizure
- Restriction or revocation of professional, driver or recreational licenses; vehicle registration
- US Attorney referral for criminal prosecution

Federally Administered Tools
- Passport denial
- Federal tax refund offset
- Administrative offset
- Insurance match
- MSFIDM
Distribute Collections

Custodial parents on TANF are required to assign support to state.

All IV-D and non-IV-D income withholding payments must be processed through the SDU.

SDUs distribute all payments within 48 hours of receipt.

Assigned payments may be retained by state.
Review and Adjustment

Cases are reviewed
• After 36 months,
• If requested by either party
• If requested by the IV-D agency (TANF cases)

Additional reviews permitted, if requested, upon substantial change in circumstances

Both upward and downward modifications
Federal Child Support Perspective

• Nearly 70% of parents are making their child support payments.
  – Parents who make up the other 30% face multiple barriers.
• Important distinction between “unwilling” and “unable.”
• Our program is uniquely positioned to help parents pay consistent support and to have time with their children.
Child Support Program History

Prior Focus

• Recovering welfare costs
• Assigning and retaining
• Imputing income
• Automated, standardized enforcement processes
• Debt as motivation to pay
• Incarceration as consequence of nonpayment
• Financial support main focus

Present Focus

• Reliable payments
• Sending money to families
• Accurate, actual income
• Caseload segmentation for tailored approaches
• Debt prevention/compromise
• Services to remove barriers contributing to nonpayment
• Involvement-balanced focus
What Current Approaches Accomplish

The goal is to increase regular support for children by:

- Engaging both parents
- Setting and modifying orders based on ability to pay
- Paying all of the money to children
- Implementing debt management
- Using less adversarial dispute resolution
- Jobs not jail--using contempt and jail sparingly
- Coordinating with other services
- Addressing domestic violence
CHILD SUPPORT 2015: MORE MONEY FOR FAMILIES

**Collections**

$32 Billion in child support collected by state and tribal child support programs in FY2015

- 95% went to families
- 75% collected through income withholding from the employee’s paycheck
- 5% reimbursed public assistance dollars

**Caseload**

In 2015 the child support program served 16 Million children

- More than 1 in 5 children in the U.S.

Families eligible for child support*

- 29% of custodial families have income below the federal poverty level
- Child support represents 41% of family income for poor custodial families that receive it

Custodial parents eligible for child support*

- 82% are women
- 78% are 30 or older
- 55% have just one eligible child
- 68% are White
- 25% are Black
- 23% are Hispanic (any race)

**Cost-Effectiveness**

- One of the most cost-effective government programs

For every $1.00 spent...

- the child support program collects $5.26


Flexibility, Efficiency & Modernization

- Incorporates research evidence-based practices
- Strengthens procedural fairness and legal evidentiary standards
- Streamlines program operations and technology
Selected Provisions

• Requires more transparency, public participation, and data when states conduct quadrennial guidelines reviews.

• Support orders must be based on “earnings, income and other evidence of ability to pay” and take subsistence needs into account.

• Requires a factual basis for order and limits the use of imputed income.

• Requires states to screen civil contempt referrals for the ability to pay or otherwise comply with the order, offer evidence to the court, and provide parental notice that ability to pay is the critical question.
States may not exclude incarceration as a “substantial change in circumstances” or treat it as “voluntary unemployment” in modifying orders.

Requires states to notify parents incarcerated for more than 6 months of their right to request a review and modification.

Allows states to automatically modify orders of incarcerated parents.

Increases state flexibility to unbundle services and close unworkable cases.
Impact on States

State child support programs will:

• Make the appropriate changes to policies, procedures and systems for the required provisions.

• Ensure that state laws, when needed, are passed before the compliance date.

• Determine whether to adopt any of the optional provisions.

• Ensure that the quadrennial review is conducted timely and changes are made to the state child support guidelines.
Impact on Families

The final rule helps to:

• Set accurate child support obligations based on the noncustodial parents’ ability to pay.
• Increase consistent, on-time payments to families.
• Increase the number of noncustodial parents supporting their children.
• Reduce the accumulation of unpaid and uncollectible child support arrearages.
• Improve customer service.
OCSE Final Rule Resources

Central resource library for all information about the final rule including the AT, OCSE Fact Sheets, Compliance Date chart, and upcoming documents such as the webinar with Trainer Notes, State plan preprint information, etc.

• OCSE Fact sheets
• Final Rule Summary;
• Guidelines;
• Modification for Incarcerated Parents;
• Civil Contempt - Ensuring Noncustodial Parents Have the Ability to Pay; and
• Case Closure.
• URL: https://www.acf.hhs.gov/css/resource/final-rule-resources
Strategic Partnerships & Initiatives

- Veterans Affairs
- Office of Family Assistance
- Financial Capability
- Incarcerated Parents and Re-entry
- Military members, veterans/their families
- Responsible Fatherhood
- Employment and economic stability
- Alleviating barriers to paying support reliably
Differentiating The Needs

Veterans

• Average age higher than active duty members
• Cases tend to be older
• Larger arrearages
• Many points of entry into the social service network
• More likely to have in intergovernmental case

Active Duty Military

• 42% of Active Duty have a child
• 1.1M Children of Active Duty members
  – 60% are 8 or younger
• Average # of children is 2
• Generally a more stable situation in terms of employment, income and housing
• Required to file a Family Care Plan before deployment
• OCSE procedures on Working with the Military
How Child Support Fits Into The Picture

Child Support Related Items in Top 10 Highest Unmet Needs 2014*
(Male Veterans)

#4 Legal Assistance with Child Support
#5 Legal Assistance to Help Restore a Driver’s License
#6 Family Reconciliation Assistance
#7 Legal Assistance for Outstanding Warrants and Fines

*Reported May, 2015- VA CHALENG Fact Sheet
Veterans In The Child Support Caseload

Out of All Noncustodial Parents in the Child Support Program...

10.7 M

Over 535,000 (5%) are Veterans

- Half of states > 10,000 vets
- Texas > 61,000 vets
Characteristics of Veteran Child Support Cases

OCSE National Data Match

| • About 50% of veterans in caseload are > 50 years old |
| • Many cases are arrears only |
| • Average support amount owed by veterans is about $24,500 |
Collaboration Timeline

2008: CHALENG Report released showing the needs of homeless veterans related to child support

Nov. 2009: VA, HHS, and ABA announce partnership to assist homeless veterans with their child support issues raised in the 2009 CHALENG Report.

2010: USICH Established

November, 2009: VA Secretary Shinseki and President Obama vow to end veteran homelessness by 2015

Jan. 2010: OCSE-VA-ABA pilot project is launched in 9 cities to assist homeless veterans.
Collaboration Pilot Cities

- CHALENG report
- VA/ABA/HHS collaboration
How can Child Support Agencies Help

Help veteran manage arrears
• Forgiveness programs
• Payment Plans

Reinstate drivers and professional licenses

Review order for modification

Review case for closure
Goals

• Short term goals
  – Identify homeless veterans with child support issues
  – Establish realistic current support, address arrears, reinstate drivers/professional licenses
  – Develop collaborations with other project partners to establish referral process

• Long term goals
  – Achieve consistent support payments
  – Restore family connections
  – Stabilize work
  – Achieve independent housing
HHS-VA-ABA Pilot Sites

- No dedicated federal funding
- Independent pilot sites
- Expansion of service population
- Different partnerships
### Challenges

<table>
<thead>
<tr>
<th>Large and complex VA system</th>
<th>Navigating the competing missions among stakeholders</th>
<th>Many points of entry for veterans in the Social/Human services sector</th>
<th>Varying state and tribal laws, procedures, and legal systems</th>
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<tr>
<td>Lack of Veteran status as a standard data element on child support application for services</td>
<td>Communication and resource challenges among stakeholders</td>
<td>Modification Timelines</td>
<td>Understanding Military and Veteran Culture</td>
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<td>Development of Standard Evaluation Tool</td>
<td>Changes in Pay</td>
<td>Overseas Deployments</td>
<td>Connections from grassroots to higher levels</td>
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Outcomes

- Case reviews
- Reinstatement of drivers licenses
- Arrears Forgiveness
- Arrears Management Programs
- Modifications of Child Support Orders
- Set asides of default orders
- Increase in payments - Post intervention
Pilot Sites - Best Practices

- Participation in Stand Down Events
- Veterans Courts in Conjunction with Stand Down Events
- Onsite Legal Clinics/Presentations by Child Support Staff
- Cross Agency Trainings
- Establishment of Veteran/Military Liaison within CS Agency
- MOUs with VA Programs
Pilot Site Recommendations

- Invest in partnerships
- Look for existing funding
- Reach out to the community
- Be realistic
- Measure impact
Resources, Information and Guides

• A Handbook for Military Families
• Working with the Military on Child Support Matters (for CS caseworkers)
• OCSE website: Numerous fact sheets and other resources
• Child Support Veteran & Military Liaison Network
• Toolkit Coming Soon!
Tips for Veteran Serving Programs

• Reach out to your local child support office.
  – Meet with child support staff to discuss mutual goals.
  – Invite a child support representative to talk to your staff, provide training, answer questions.
  – Invite them to make regular presentations to your working groups.

• Look to develop a deeper partnership relationship:
  – Help with questions from child support staff.
  – Assistance with order modifications, etc.
Making it Work

• Implementing parent-focused innovations:
  – Building relationships.
  – Individualized case management.
  – Personalized communication.
  – Employment and wrap-around services.

• Welcoming opportunities to collaborate and partner.
  – Continuously Network & coordinate with established stakeholders
Questions?

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Child Support Issues

NATIONAL COALITION FOR HOMELESS VETERANS

2017 ANNUAL CONFERENCE
MACV History and Services

Statewide 501(c)3 nonprofit established in 1990
MACV Vetlaw Program

Started as a response to MACV staff recognition of legal barriers for homeless veterans, specifically child support issues, enrolled in housing and employment assistance programs.

First legal clinic to address family law issues held in November 2009 at the Minneapolis VA Health Care System.

Program had first staff in the fall of 2011, now has 2.5 attorneys, program coordinator and admin staff member.

Services provided include:
- Brief advice and referrals
- Full representation partnerships with legal services offices
- Full representation with pro bono programs at law firms and in-house counsel
- Interstate referrals
- Legal clinics
- StandDown events
- Full representation
Veterans Legal Clinics

- Varied legal issues served
- Walk-ins accepted
- Law students and paralegals used to leverage attorney time
- Child support workers on-site or available remotely to provide information and assistance
- Assist with child support forms, fee waivers, and other direction for self-represented veterans
- Clinics also serve as outreach tools to identify veterans who qualify for representation services through Vetlaw staff attorney, legal aid partners, or pro bono attorneys.
Impact of Child Support Issues on Homeless Veterans

- Unpaid child support and arrears can lead to financial instability of a veteran and his/her family
- Child support arrearages and unaffordable monthly payments act as barrier to financial stability
- Loss of drivers license can affect ability to obtain and maintain employment
- Warrants for failure to appear and arrests for nonsupport effect background checks that, in turn, effect employment and housing
- Large and unsurmountable arrears can have a negative impact on emotional stability and makes it challenging to believe in an end to financial instability and homelessness
Things to know about Interstate Child Support Cases

Child support is state law; each state may have different mechanisms for obtaining and collecting on support orders.

Uniform Interstate Family Support Act
- Enacted in all 50 states
- Applies when parents live in different states
- Defines jurisdiction in interstate cases
- Allows for noncustodial parents to request remote appearance for modification hearings
Interstate Child Support Cases

- Create significant barriers to accessing legal services
  - Attorneys can only give advice on laws of a state in which they’re licensed
  - Many legal services programs have geographic requirements for their clients and interstate referrals can be difficult to obtain.

- How can a veteran address his/her case without traveling to another state?
  - Contact child support office in the jurisdiction directly to request information
  - Request a review or reconsideration of the case
  - Request an appearance by telephone/video conference

- What can be done without giving legal advice?
  - Information and/or forms may be found online
  - Request court documents and payment history if veteran does not have copies
  - Help advocate for veteran with child support and/or attorneys
Veteran-specific Child Support Issues

- **Treatment of VA Benefits**
  - Service-Connected Disability Benefits
  - Education Benefits
  - VA Pension
  - Dependent Benefits

- **Apportionment Process**
  - Apportionment Procedure
  - Categorization of Apportionment Payments
  - Reporting to Child Support
A parent’s gross monthly income includes any form of periodic payment including wages, commissions, workers’ compensation benefits, unemployment benefits, military payments, pensions, disability benefits, self-employment income, and Social Security benefits for the parent and for the child if based on the parent’s eligibility. Gross income is calculated before any deductions for taxes, employment benefits, or retirement plans. Gross income does not include child support received, public assistance received, or the parent’s current spouse’s income. Court-ordered spousal maintenance obligations are deducted from monthly gross income.

Minn. Stat. § 518A.29

VA benefits, in general, cannot be directly garnished by court order or child support enforcement. 42 U.S.C.659(h)(1)

Exception: If veteran has waived a portion of military retirement pay in order to receive service-connected disability, the amount waived is available for garnishment from the disability pay.

42 U.S.C.659(h)(1)(a)(ii)(V)

Spouse, former spouse, or custodian of dependent child(ren) may request garnishment through the apportionment process. 38 C.F.R. §§ 3.450 – 3.458
Child Support Treatment of VA Benefits: Special Considerations

Treatment of Education Benefits
- Portion of education benefit paid directly to veteran are treated as income for child support purposes
- Payments often fluctuate based on enrollment; important to provide child support with average amount received over a given year.

Dependent Benefits
- Included in calculation of income for child support purposes
- Payable to veteran but can be assigned to dependent(s)

Compensated Work Therapy
- Payments made under CWT programs are considered part of health benefits
- Not classified as employment relationship or wage payments
When Apportionment is Allowable

§ 3.450 General

(a)(1) All or any part of the pension, compensation, or emergency officers' retirement pay payable on account of any veteran may be apportioned.

(i) On behalf of his or her spouse, children, or dependent parents if the veteran is incompetent and is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof.

(ii) If the veteran is not residing with his or her spouse, or if the veteran's children are not residing with the veteran and the veteran is not reasonably discharging his or her responsibility for the spouse's or children's support.
§ 3.458 Veteran's benefits not apportionable. Veteran's benefits will not be apportioned:

(a) Where the total benefit payable to the disabled person does not permit payment of a reasonable amount to any apportionee.

(b) Where the spouse of the disabled person has been found guilty of conjugal infidelity by a court having proper jurisdiction.

(c) For purported or legal spouse of the veteran if it has been determined that he or she has lived with another person and held herself or himself out openly to the public to be the spouse of such other person, except where such relationship was entered into in good faith with a reasonable basis (for example trickery on the part of the veteran) for the spouse believing that the marriage to the veteran was legally terminated. No apportionment to the spouse will thereafter be made unless there has been a reconciliation and later estrangement.

(d) Where the child of the disabled person has been legally adopted by another person, except the additional compensation payable for the child.

(e) Where a child enters the active military, air, or naval service, any additional amount will be paid to the veteran unless such child is included in an existing apportionment to an estranged spouse. No adjustment in the apportioned award will be made based on the child's entry into service.
Apportionment Procedure

Governed by 38 C.F.R. §§ 3.450 – 3.458

1. Person requesting apportionment requests an apportionment review from the VA Regional Office that services the veteran’s benefits.

2. Requesting party submits VA Form 21-0788, the “Statement in Support of Claim”.

3. The VA Regional Office notifies the veteran of the apportionment request.

4. The veteran has 60 days to provide the VA with information and documentation challenging the apportionment.

5. The VA may freeze a portion or the entire amount of benefits requested in the apportionment request during the investigation to prevent a future overpayment if the apportionment request is approved.
Apportionment Challenges

- Apportionment statutes do not directly refer to compliance with a court-ordered child support payment as proof that the veteran is meeting his or her responsibility to support a spouse or child(ren).

- Amounts apportioned are not reported to Child Support Enforcement by the VA.

- Frozen benefits are not released to either party; depending on the length of time it takes to make a decision on the apportionment, both parties can experience financial hardship during this period. The veteran could potentially be found non-compliant with child support obligation by Child Support Enforcement if they are unable to make full payments due to a portion of his or her benefits being frozen.
Building On Vetlaw’s Use of SSVF Funds to Resolve Interstate Child Support Matters

Child support is one of the largest unmet needs for homeless and at-risk veterans. Through the ABA/VA/HHS Child Support Pilot Project, interstate cases have been identified as one of the largest barriers to achieving positive outcomes for veterans in the program.

Proposed solution:

Leverage SSVF funds to create network of local legal services providers in child support cases (sub grantees, contract relationship, pro bono, etc.).

Allow for cross-referrals from SSVF grantees to fund representation in jurisdiction of case.

- Example: MACV client in MN has child support case in TX. MACV can make per case payment to TX SSVF grantee’s local legal service partner to represent MN veteran in TX child support case.
- Network would result in increased access to representations in out-of-state matters.
- Removes geographic and financial barriers to veteran traveling out of state.
- Representation increases likelihood of positive outcome
Contact Information

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