

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 195

Entitled "Interstate Child Support Enforcement Act".

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. ROUKEMA introduced the following bill; which was referred to the Committee on Ways and Means and, in addition, to the Committees on the Judiciary, Banking and Financial Services, National Security, and Economic and Educational Opportunities for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Entitled "Interstate Child Support Enforcement Act".

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CON-**  
4 **TENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 "Interstate Child Support Enforcement Act".

7 (b) REFERENCE TO SOCIAL SECURITY ACT.—Except  
8 as otherwise specifically provided, whenever in this Act an  
9 amendment is expressed in terms of an amendment to or  
10 repeal of a section or other provision, the reference shall

1 be considered to be made to that section or other provision  
 2 of the Social Security Act.

3 (c) TABLE OF CONTENTS.—The table of contents of  
 4 this Act is as follows:

- Sec. 1. Short title; reference; table of contents.
- Sec. 2. Findings, declarations, and purposes.

#### TITLE I—LOCATE AND CASE TRACKING

- Sec. 101. Expansion of use of Federal parent locator system.
- Sec. 102. Expansion of data bases accessed by parent locator systems.
- Sec. 103. Expansion of access to national network for location of parents.
- Sec. 104. Private attorney access to locate and enforcement services.
- Sec. 105. Access to law enforcement systems of records.
- Sec. 106. State networks for broadcasting warrants.

#### TITLE II—ESTABLISHMENT

- Sec. 201. Service of process.
- Sec. 202. Service of process on Federal employees and members of the armed services relating to child support, alimony, and parentage obligations.
- Sec. 203. Presumed address of obligor and obligee.
- Sec. 204. Notification to custodial parents.
- Sec. 205. State uniformity regarding establishment of parentage and support, jurisdiction and venue, and Federal employee residential status.
- Sec. 206. Fair Credit Reporting Act amendments.
- Sec. 207. National Child Support Guideline Commission.
- Sec. 208. State child support guideline principles.
- Sec. 209. Duration of support.
- Sec. 210. National subpoena duces tecum.
- Sec. 211. Uniform terms in orders.
- Sec. 212. Social security numbers on marriage licenses and child support orders.
- Sec. 213. Administrative subpoena power.

#### TITLE III—PARENTAGE

- Sec. 301. Parentage.

#### TITLE IV—ENFORCEMENT

- Sec. 401. Anti-assignment clauses amended.
- Sec. 402. National reporting of new hires and child support information.
- Sec. 403. Direct income withholding.
- Sec. 404. Priority of wage withholding.
- Sec. 405. Definition of income subject to withholding includes workers' compensation.
- Sec. 406. Consumer Credit Protection Act amendments.
- Sec. 407. Election of remedies prohibition.
- Sec. 408. Occupational, professional and business licenses

- Sec. 409. Driver's licenses.
- Sec. 410. Attachment of bank accounts.
- Sec. 411. Lotteries, settlements, payouts, awards, and forfeitures.
- Sec. 412. Fraudulent transfer pursuit.
- Sec. 413. Full IRS collection.
- Sec. 414. Bonds.
- Sec. 415. Tax offset for non-AFDC post-minor child.
- Sec. 416. Attachment of public and private retirement funds.
- Sec. 417. Criminal nonsupport.
- Sec. 418. Statutes of limitation.
- Sec. 419. Interest.
- Sec. 420. Health-care enforcement.
- Sec. 421. Bankruptcy.
- Sec. 422. Federal Government cooperation in enforcement of support obligations of members of the armed forces and other persons entitled to payments by the Federal Government.
- Sec. 423. UIFSA endorsement.

#### TITLE V—COLLECTION AND DISTRIBUTION

- Sec. 501. Priority of distribution of collections.
- Sec. 502. Relationship of AFDC to CSE—limiting reimbursement claims to award amount.
- Sec. 503. Fees for non-AFDC clients.
- Sec. 504. Collection and disbursement points for child support.

#### TITLE VI—FEDERAL ROLE

- Sec. 601. Placement and role of the Federal Child Support Agency.
- Sec. 602. Training.
- Sec. 603. Staffing.
- Sec. 604. Funding and incentives for child support agencies.
- Sec. 605. Child support definition.
- Sec. 606. Audits.
- Sec. 607. Child support assurance demonstration projects.

#### TITLE VII—STATE ROLE

- Sec. 701. Prohibition of residency requirement for IV-D services.
- Sec. 702. Advocating for children's economic security.
- Sec. 703. Duties of IV-D agencies.
- Sec. 704. Broader access to services.
- Sec. 705. Process for change of payee in IV-D cases.

#### TITLE VIII—EFFECTIVE DATE

- Sec. 801. Effective date.

### 1 **SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

- 3 (1) there is a large and growing number of
- 4 child support and parentage cases annually involving

1 disputes between parents or presumed parents who  
2 reside in different States;

3 (2) the laws by which the courts of the various  
4 States determine their authority to establish, en-  
5 force, or modify a child support order, or to estab-  
6 lish parentage are not uniform;

7 (3) those laws, along with the limits imposed by  
8 a Federal system, on the authority of each State to  
9 take certain actions outside its own boundaries, con-  
10 tribute to—

11 (A) the pressing problem of parties moving  
12 to avoid jurisdiction,

13 (B) inequities based solely on choice of  
14 domicile,

15 (C) disregard of court orders resulting in  
16 massive arrearages nationwide,

17 (D) excessive relitigation of cases,

18 (E) the establishment of conflicting orders  
19 by the courts of various States, and

20 (F) inter-jurisdiction travel and commu-  
21 nication that is so expensive and time consum-  
22 ing as to disrupt parties' occupations and com-  
23 mercial activities; and

24 (4) among the results of these conditions are—

1           (A) the failure of the courts of such juris-  
2           dictions to give full faith and credit to the judi-  
3           cial proceedings of the other States,

4           (B) the deprivation of rights of liberty and  
5           property without due process of law,

6           (C) burdens on commerce among the  
7           States, and

8           (D) harm to the welfare of children and  
9           their parents and other custodians.

10       (b) DECLARATION.—Based on the findings stated in  
11 subsection (a), it is necessary to establish national stand-  
12 ards under which the courts of each State will determine  
13 their jurisdiction to establish, enforce, or modify a child  
14 support order, or to establish parentage and the effect to  
15 be given by each State to such determinations by the  
16 courts of other States.

17       (c) PURPOSE.—The general purposes of this Act are  
18 to—

19           (1) expand the forums available to establish,  
20           enforce, or modify a child support order, or to estab-  
21           lish parentage so that such actions may be heard in  
22           the State that has the strongest interest in the  
23           child's financial security;

1           (2) promote and expand the exchange of infor-  
2           mation and other forms of mutual assistance be-  
3           tween States that are concerned with the same child;

4           (3) facilitate the enforcement of support decrees  
5           among the States;

6           (4) discourage continuing interstate controver-  
7           sies over child support in the interest of greater fi-  
8           nancial stability and secure family relationships for  
9           the child; and

10          (5) avoid jurisdictional competition and conflict  
11          between courts in matters relating to the establish-  
12          ment, enforcement, and modification of child support  
13          orders, and to the establishment of parentage, which  
14          have resulted in the movement of parties among  
15          States and a low percentage of interstate cases with  
16          support orders, thereby adversely affecting children's  
17          well-being.

18          (d) DEFINITIONS.—For purposes of this Act—

19           (1) STATE.—The term “State” means a State  
20           of the United States, the District of Columbia, the  
21           Commonwealth of Puerto Rico, a territory or posses-  
22           sion of the United States, and Indian country as de-  
23           fined in section 1151 of title 18, United States  
24           Code.

1           (2) COURT.—The term “court” means a court,  
2           administrative process, or quasijudicial process of a  
3           State that is authorized to—

4                   (A) establish and enforce parentage orders;

5                   (B) establish and enforce orders regarding  
6           the amount of support payable by a contestant;  
7           or

8                   (C) modify orders regarding the amount of  
9           support payable by a contestant.

10           **TITLE I—LOCATE AND CASE**  
11                   **TRACKING**

12           **SEC. 101. EXPANSION OF USE OF FEDERAL PARENT LOCA-**  
13                   **TOR SYSTEM.**

14           Section 453 (42 U.S.C. 653) is amended—

15                   (1) by striking “for the purpose of enforcing  
16           support obligations against such parent” in sub-  
17           section (a) and inserting “for the purposes of par-  
18           entage establishment, child support establishment,  
19           modification, and enforcement, and child visitation  
20           enforcement, provided that safeguards are in place  
21           to prevent release of information when it may jeop-  
22           ardize the safety of the children or either parent”,  
23           and

24                   (2) by inserting “and such reasonable fees”  
25           after “such documents” in subsection (d).

1 **SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PAR-**  
2 **ENT LOCATOR SYSTEMS.**

3 (a) ADDITIONAL INFORMATION FOR FEDERAL PAR-  
4 ENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is  
5 amended—

6 (1) by striking “the most recent address and  
7 place of employment” in subsection (b) and inserting  
8 “the most recent residential address, employer name  
9 and address, and amounts and nature of income and  
10 assets”,

11 (2) by striking “the resident parent” in sub-  
12 section (c)(3) and inserting “either parent”, and

13 (3) by adding at the end of subsection (e) the  
14 following new paragraph:

15 “(4) The Secretary of the Treasury shall enter into  
16 an agreement with the Secretary to provide prompt access  
17 for the Secretary (in accordance with this subsection and  
18 section 6103(l)(6) of the Internal Revenue Code of 1986)  
19 to the quarterly estimated Federal income tax returns  
20 filed by individuals with the Internal Revenue Service.”.

21 (b) STATE INFORMATION.—Section 466(a) (42  
22 U.S.C. 666(a)) is amended by inserting after paragraph  
23 (11) the following new paragraphs:

24 “(12) Procedures under which the State agency  
25 shall have automated on-line or batch access (or, if  
26 necessary, nonautomated access) to information re-

1       garding residential addresses, employers and em-  
2       ployer addresses, income and assets, and medical in-  
3       surance benefits with respect to absent parents  
4       through various data bases. Such data bases shall  
5       include data bases belonging to—

6               “(A) the State revenue or taxation depart-  
7               ment;

8               “(B) the State motor vehicle registration  
9               department;

10              “(C) the State employment security de-  
11              partment;

12              “(D) the State crime information system;

13              “(E) the State bureau of corrections;

14              “(F) the State recreational, occupational,  
15              and professional licensing department;

16              “(G) the Secretary of State’s office;

17              “(H) the State bureau of vital statistics;

18              “(I) State or local agencies administering  
19              public assistance;

20              “(J) State or local real and personal prop-  
21              erty record departments;

22              “(K) publicly regulated utility companies  
23              located in the State;

24              “(L) credit reporting agencies located in  
25              the State; and

1           “(M) trade and labor unions located in the  
2           State.

3           “(13) Procedures under which the State agency  
4           shall maintain a child support order registry which  
5           shall include—

6                   “(A) each child support order in the State  
7                   in which the parties agree to the inclusion of  
8                   such order in the registry; and

9                   “(B) at the option of the State, all other  
10                  child support orders in the State.”.

11          (c) SENSE OF THE CONGRESS.—It is the sense of the  
12 Congress that the Secretary of Health and Human Serv-  
13 ices should investigate pursuant to section 453(e) of the  
14 Social Security Act (42 U.S.C. 653(e)) accessing Federal  
15 data banks not already linked to the Parent Locator Serv-  
16 ice which are deemed more-than-marginally useful to lo-  
17 cate absent parents.

18          (d) EFFECTIVE DATE.—The amendments made by  
19 subsections (a) and (b) shall take effect on and after Jan-  
20 uary 1, 1998.

21 **SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK**  
22 **FOR LOCATION OF PARENTS.**

23          (a) IN GENERAL.—Section 453 (42 U.S.C. 653) is  
24 amended by adding at the end the following new sub-  
25 section:

1       “(g) The Secretary, through the Office of Child Sup-  
2 port Enforcement, shall expand the Parent Locator Sys-  
3 tem, established under this section to provide a national  
4 network based on the comprehensive statewide child sup-  
5 port enforcement systems developed by the various States.  
6 Such an expansion would—

7               “(1) allow each State to—

8                       “(A) locate any absent parent who owes a  
9 child support obligation, for whom an obligation  
10 is being established, or for whom an order for  
11 visitation is being enforced by—

12                               “(i) accessing the records of other  
13 State agencies and sources of locate infor-  
14 mation, and

15                               “(ii) accessing Federal sources of lo-  
16 cate information in the same fashion;

17                       “(B) access the files of other States to de-  
18 termine whether there are other child support  
19 orders and obtain the details of those orders;

20                               “(C) provide for both on-line and batch  
21 processing of locate requests, with on-line ac-  
22 cess restricted to cases in which the information  
23 is needed immediately (i.e., court appearances)  
24 and batch processing used to ‘troll’ data bases

1 to locate individuals or update information peri-  
2 odically; and

3 “(D) direct locate requests to individual  
4 States or Federal agencies, broadcast requests  
5 to selected States, or broadcast cases to all  
6 States when there is no indication of the source  
7 of needed information;

8 “(2) provide for a maximum of 72-hour turn-  
9 around time for information to be broadcast and re-  
10 turned to a requesting State;

11 “(3) provide ready access to courts of the infor-  
12 mation on the network; and

13 “(4) access the registry of child support orders  
14 for public and private cases maintained at the State  
15 level by the State agencies as described in section  
16 466(a)(13).”.

17 (b) EXPANDED STATE INTERACTION WITH NA-  
18 TIONAL NETWORK.—Section 454(16) (42 U.S.C.  
19 654(16)) is amended—

20 (1) by striking “and (E)” and inserting “(E)”,  
21 and

22 (2) by striking “enforcement;” at the end of  
23 subparagraph (E) and inserting “enforcement, and  
24 (F) to provide access to the national network devel-  
25 oped pursuant to section 453(g);”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on and after January 1, 1998.

3 **SEC. 104. PRIVATE ATTORNEY ACCESS TO LOCATE AND EN-**  
4 **FORCEMENT SERVICES.**

5 Section 466(a) (42 U.S.C. 666(a)), as amended by  
6 section 102, is amended by inserting after paragraph (13)  
7 the following new paragraph:

8 “(14) Procedures under which private attorneys  
9 and pro se obligees are given access to State locate  
10 information and enforcement techniques of the State  
11 child support enforcement agency, for the limited  
12 purpose of establishing, modifying, and enforcing  
13 child support, visitation, and parentage orders, pro-  
14 vided that safeguards are in place to prevent release  
15 of information when it may jeopardize the safety of  
16 the children or either parent. Such procedures may  
17 provide for reasonable fees for such access.”.

18 **SEC. 105. ACCESS TO LAW ENFORCEMENT SYSTEMS OF**  
19 **RECORDS.**

20 The head of the National Criminal Information Cen-  
21 ter, of the National Law Enforcement Telecommuni-  
22 cations Network, and of any other national or regional sys-  
23 tem for tracking individuals shall—

1 (1) allow access to Federal, State, and local  
2 child support enforcement agencies to information  
3 held by the Center, Network, or other system; and

4 (2) if an access code is required to allow such  
5 access, provide an access code to each child support  
6 enforcement agency that applies for one.

7 **SEC. 106. STATE NETWORKS FOR BROADCASTING WAR-**  
8 **RANTS.**

9 Section 466(a) (42 U.S.C. 666(a)), as amended by  
10 section 104, is amended by inserting after paragraph (14)  
11 the following new paragraph:

12 “(15) Procedures under which the State—

13 “(A) shall make available for broadcasting  
14 on its local and State crime information system  
15 failure-to-appear warrants, capiases and bench  
16 warrants issued by courts in civil and criminal  
17 parentage and child support proceedings; and

18 “(B) if a defendant or anyone on behalf of  
19 the defendant posts security after being ar-  
20 rested, shall remit any subsequent forfeiture to  
21 the individual owed the child support obligation  
22 to the extent of any arrearage in such obliga-  
23 tion.”.

1           **TITLE II—ESTABLISHMENT**

2   **SEC. 201. SERVICE OF PROCESS.**

3           Section 466(a) (42 U.S.C. 666(a)), as amended by  
4 section 106, is amended by inserting after paragraph (15)  
5 the following new paragraph:

6           “(16) Procedures under which the State shall—

7                   “(A) treat out-of-State service of process  
8 in child support and parentage actions in the  
9 same manner as in-State service of process;

10                   “(B) require that notice for the exercise of  
11 jurisdiction over nonresident be given in a man-  
12 ner reasonably calculated to give actual notice  
13 and may be—

14                           “(i) by personal delivery outside the  
15 State in the manner prescribed for service  
16 of process within the State;

17                           “(ii) in the manner prescribed by the  
18 law of the place in which the service is  
19 made;

20                           “(iii) by first-class mail addressed to  
21 the individual to be served (if allowed by  
22 the State’s rules of civil procedure) or any  
23 other form of mail that includes a request  
24 for a receipt or signature of such individ-

1 ual, subject to the requirements of such  
2 rules of civil procedure; or

3 “(iv) as directed by the court, includ-  
4 ing publication if other means of notifica-  
5 tion are ineffective, subject to the require-  
6 ments of the State’s rules of civil proce-  
7 dure;

8 “(C) require that notice to commence a  
9 child support or parentage action be delivered,  
10 mailed, or published with sufficient time to  
11 allow for serving an answer or other response  
12 before any hearing in the State, in accordance  
13 with the otherwise applicable rule regarding the  
14 commencement of an original action in the  
15 State;

16 “(D) require notice of the commencement  
17 of a child support or parentage action to each  
18 party whose rights, privileges, duties, or powers  
19 may be affected by the action;

20 “(E) require that proof of service outside  
21 the State may be made by the affidavit of the  
22 individual who made the service, or in the man-  
23 ner prescribed by the law of the State, by the  
24 order under which the service is made, or by  
25 the law of the place in which service is made,

1 and if service is made by mail, proof of service  
2 may be by a receipt signed by the addressee or  
3 other evidence of delivery to the addressee; and

4 “(F) require the availability of first-class  
5 mail service after the service of the summons  
6 and initial pleadings.”.

7 **SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES**  
8 **AND MEMBERS OF THE ARMED SERVICES RE-**  
9 **LATING TO CHILD SUPPORT, ALIMONY, AND**  
10 **PARENTAGE OBLIGATIONS.**

11 (a) IN GENERAL.—Part D of title IV is amended by  
12 inserting after section 460 the following new section:

13 “SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND  
14 MEMBERS OF THE ARMED SERVICES RELATING TO  
15 CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLI-  
16 GATIONS.

17 “SEC. 460A. (a) The head of each agency shall des-  
18 ignate an agent for receipt of service of process for any  
19 employee or member of the armed services of such agency  
20 relating to any action filed in a State court to establish,  
21 enforce, or modify a child support order or an alimony  
22 order, or to establish parentage.

23 “(b) The agent designated under subsection (a) shall  
24 receive service of process—

1           “(1) at the designated post of duty or regular  
2           place of business of the employee or member of the  
3           armed services; or

4           “(2) at a location within the United States for  
5           an employee or member of the uniformed services  
6           whose post of duty is outside of the United States.

7           “(c) Nothing in this section shall be construed to pro-  
8           hibit any employee or member of the armed services from  
9           requesting or being granted a stay or continuance in any  
10          action in a Federal or State court, including any relief  
11          available under the Soldiers and Sailors Civil Relief Act  
12          of 1940 (50 U.S.C. App. 501 et seq.).

13          “(d) For purposes of this section, the term ‘agency’  
14          means each agency of the Federal Government, includ-  
15          ing—

16                 “(1) an Executive agency as defined under sec-  
17                 tion 105 of title 5, United States Code;

18                 “(2) the Department of Defense with regard to  
19                 employees of such department and members of the  
20                 armed services;

21                 “(3) the United States Postal Service and Post-  
22                 al Rate Commission;

23                 “(4) any agency of the government of the Dis-  
24                 trict of Columbia;

1           “(5) any agency of the legislative or judicial  
2           branch of the Government; and

3           “(6) any advisory committee to which the Fed-  
4           eral Advisory Committee Act (5 U.S.C. App. 2)  
5           applies.”.

6           (b) CONFORMING AMENDMENT FOR GARNISHMENT  
7           PROCEEDINGS.—Section 459(b) (42 U.S.C. 659(b)) is  
8           amended—

9           (1) by inserting “(1)” after “(b)”; and

10          (2) by adding at the end thereof the following  
11          new paragraph:

12          “(2) With respect to any Federal employee, including  
13          any member of the armed services, the agent designated  
14          under paragraph (1) shall receive service of process—

15                 “(A) at the designated post of duty or regular  
16                 place of business of the employee or member of the  
17                 armed services; or

18                 “(B) at a location within the United States for  
19                 an employee or member of the armed services whose  
20                 post of duty is outside of the United States.

21          “(3) Nothing in this section shall be construed to pro-  
22          hibit any employee or member of the armed services from  
23          requesting or being granted a stay or continuance in any  
24          action in a Federal or State court, including any relief

1 available under the Soldiers and Sailors Civil Relief Act  
2 of 1940 (50 U.S.C. App. 501 et seq.).”.

3 (c) REGULATIONS.—No later than 270 days after the  
4 date of the enactment of this Act, the head of each agency  
5 shall promulgate and publish regulations implementing  
6 the amendments made by this section.

7 **SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.**

8 Section 466(a) (42 U.S.C. 666(a)), as amended by  
9 section 201, is amended by inserting after paragraph (16)  
10 the following new paragraph:

11 “(17) Procedures under which the State shall—

12 “(A) require the filing of parents’ residen-  
13 tial addresses, mailing addresses, home tele-  
14 phone numbers, driver’s license numbers, social  
15 security numbers, names of employers, address-  
16 es of places of employment, and work telephone  
17 numbers with the appropriate court or adminis-  
18 trative agency, on or before the date the final  
19 order is issued;

20 “(B) create the presumption that for the  
21 purpose of providing sufficient notice in any  
22 support-related action other than the initial  
23 notice in an action to establish parentage or es-  
24 tablish a child support order that the last resi-  
25 dential address of the party given to the

1 appropriate agency or court is the current ad-  
2 dress of the party; and

3 “(C) ensure that information concerning  
4 the location of a parent or child shall not be re-  
5 leased to the other parent if there is a court  
6 order for the physical protection of one parent  
7 or child entered against the other parent.”.

8 **SEC. 204. NOTIFICATION TO CUSTODIAL PARENTS.**

9 Section 454 (42 U.S.C. 654) is amended by striking  
10 “and” at the end of paragraph (23), by striking the period  
11 at the end of paragraph (24) and inserting “; and”, and  
12 by inserting after paragraph (24) the following new para-  
13 graph:

14 “(25) provide that the agency administering the  
15 plan—

16 “(A) notify any individual owed a child  
17 support obligation of all hearings in which such  
18 obligation might be established, modified, or en-  
19 forced, in a timely fashion to allow custodial  
20 parents the opportunity to attend and present  
21 evidence to the court, except that failure to ac-  
22 tually notify such individual may not be used as  
23 a ground for delay and shall not prevent a  
24 court from rendering a decision if the agency

1 made reasonable attempts to provide such no-  
2 tice; and

3 “(B) provide custodial parents with a copy  
4 of any order that establishes, modifies, or en-  
5 forces a child support obligation within 14 days  
6 of the date of the issuance of such order.”.

7 **SEC. 205. STATE UNIFORMITY REGARDING ESTABLISH-**  
8 **MENT OF PARENTAGE AND SUPPORT, JURIS-**  
9 **DICTION AND VENUE, AND FEDERAL EM-**  
10 **PLOYEE RESIDENTIAL STATUS.**

11 Section 466(a) (42 U.S.C. 666(a)), as amended by  
12 section 203, is amended by inserting after paragraph (17)  
13 the following new paragraph:

14 “(18) Procedures under which within the  
15 State—

16 “(A) a party seeking both parentage and  
17 child support establishment shall be able to  
18 bring both in a single cause of action;

19 “(B) the venue for parentage establish-  
20 ment shall be in the county of residence of the  
21 child, when the child and alleged parent who is  
22 the defendant reside in different counties within  
23 the State;

24 “(C) a court or agency that issues a par-  
25 entage or child support order shall have con-

1 continuing and exclusive jurisdiction over the order  
2 until that court or agency transfers jurisdiction  
3 to the appropriate court or agency in the county  
4 where the child resides, or the parties consent  
5 to be bound by another court or agency in the  
6 State that has subject matter jurisdiction;

7 “(D) proceedings for purposes of enforce-  
8 ment and modification shall be transferred to  
9 the city, county, or district where the child re-  
10 sides without the need for refiling by the plain-  
11 tiff or re-serving the defendant;

12 “(E) a court or agency that hears parent-  
13 age or child support claims shall have statewide  
14 jurisdiction over the parties, and the parentage  
15 and child support orders issued by the court or  
16 agency shall have statewide effect for enforce-  
17 ment purposes; and

18 “(F) visitation denial is not a defense to  
19 child support enforcement and the nonpayment  
20 of support is not a defense to visitation enforce-  
21 ment.”.

22 **SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENTS.**

23 Section 604 of the Consumer Credit Protection Act  
24 (15 U.S.C. 1681b) is amended by adding at the end there-  
25 of the following new paragraph:

1       “(4) To an agency administering a State plan under  
2 section 454 of the Social Security Act (42 U.S.C. 654)  
3 to use the information relevant to the setting of an initial  
4 or modified child support award, without the necessity of  
5 a court order.”.

6 **SEC. 207. NATIONAL CHILD SUPPORT GUIDELINE COMMIS-**  
7 **SION.**

8       (a) ESTABLISHMENT.—There is hereby established a  
9 commission to be known as the “National Child Support  
10 Guidelines Commission” (in this section referred to as the  
11 “Commission”).

12       (b) GENERAL DUTIES.—The Commission shall con-  
13 vene a conference to study the desirability of a national  
14 child support guideline, and if such guideline is advisable,  
15 the Commission shall develop for congressional consider-  
16 ation a national child support guideline that is based on  
17 the conference’s study of various guideline models, the de-  
18 ficiencies of such models and any needed improvements.

19       (c) MEMBERSHIP.—

20               (1) NUMBER; APPOINTMENT.—

21                       (A) IN GENERAL.—The Commission shall  
22 be composed of 9 individuals appointed jointly  
23 by the Secretary of Health and Human Services  
24 and the Congress, not later than January 15,  
25 1994.

1 (B) QUALIFICATIONS OF MEMBERS.—

2 Members of the Commission shall be appointed  
3 from among those who are able to provide ex-  
4 pertise and experience in the evaluation and de-  
5 velopment of child support guidelines. At least  
6 2 of the members shall represent parent child  
7 support advocacy groups.

8 (2) TERMS OF OFFICE.—Each member shall be  
9 appointed for a term of 1 year. A vacancy in the  
10 Commission shall be filled in the manner in which  
11 the original appointment was made.

12 (d) COMMISSION POWERS, COMPENSATION, ACCESS  
13 TO INFORMATION, AND SUPERVISION.—The first sentence  
14 of subparagraph (C), the first and third sentences of sub-  
15 paragraph (D), subparagraph (F) (except with respect to  
16 the conduct of medical studies), clauses (ii) and (iii) of  
17 subparagraph (G), and subparagraph (H) of section  
18 1886(e)(6) of the Social Security Act shall apply to the  
19 Commission in the same manner in which such provisions  
20 apply to the Prospective Payment Assessment Commis-  
21 sion.

22 (e) REPORT.—Not later than 1 year after the ap-  
23 pointment of members, the Commission shall report to the  
24 President and the Congress on the results of the study  
25 described in subsection (b) and the final assessment by

1 the Commission of issues relating to a national child sup-  
2 port guideline.

3 (f) TERMINATION.—The Commission shall terminate  
4 upon the submission of the report described in subsection  
5 (e).

6 **SEC. 208. STATE CHILD SUPPORT GUIDELINE PRINCIPLES.**

7 Section 467 (42 U.S.C. 667) is amended by adding  
8 at the end the following new subsections:

9 “(d) The guidelines established pursuant to sub-  
10 section (a) shall include the following principles:

11 “(1) A change in the child support amount re-  
12 sulting from the application of the guidelines since  
13 the entry of the last support order is sufficient rea-  
14 son for modification of a child support obligation  
15 without the necessity of showing any other change in  
16 circumstance.

17 “(2) Any custodial parent requesting a review  
18 of a child support award who is not receiving aid for  
19 families with dependent children under part A of  
20 this title must agree to both review and modification  
21 of such award. Such custodial parent shall be ad-  
22 vised of a recalculated support amount based on  
23 such review and given an opportunity to decline the  
24 pursuit of the modification.

1 “(e) The guidelines established pursuant to sub-  
2 section (a) shall take into account the following:

3 “(1) Work-related or job-training-related child  
4 care expenses of either parent for the care of chil-  
5 dren of either parent.

6 “(2) Health insurance and related uninsured  
7 health care expenses, and extraordinary school ex-  
8 penses incurred on behalf of the child of such par-  
9 ents for whom the child support order is sought.

10 “(3) Multiple family child raising obligations  
11 other than those for the child for whom the child  
12 support order is sought.”.

13 **SEC. 209. DURATION OF SUPPORT.**

14 Section 466(a) (42 U.S.C. 666(a)), as amended by  
15 section 205, is amended by inserting after paragraph (18)  
16 the following new paragraph:

17 “(19) Procedures under which the State—

18 “(A) requires a continuing support obliga-  
19 tion by one or both parents until at least the  
20 latter of when a child reaches the age of eight-  
21 een, or graduates from or is no longer enrolled  
22 in secondary school or its equivalent, unless a  
23 child marries, or is otherwise emancipated by a  
24 court of competent jurisdiction;

1           “(B) provides that courts with child sup-  
2 port jurisdiction have the discretionary power,  
3 pursuant to criteria established by the State, to  
4 order—

5           “(i) child support, payable to an adult  
6 child, at least up to the age of 22 for a  
7 child enrolled in an accredited postsecond-  
8 ary or vocational school or college and who  
9 is a student in good standing;

10           “(ii) either or both parents to pay for  
11 postsecondary school support based on  
12 each parent’s financial ability to pay;

13           “(C) provides for child support to continue  
14 beyond the child’s age of majority provided the  
15 child is disabled, unable to be self-supportive,  
16 and the disability arose during the child’s mi-  
17 nority; and

18           “(D) provides that courts should consider  
19 the effect of child support received on means-  
20 tested governmental benefits and whether to  
21 credit governmental benefits against a support  
22 award amount.”.

23 **SEC. 210. NATIONAL SUBPOENA DUCES TECUM.**

24           Section 452(a) (42 U.S.C. 652(a)) is amended by  
25 striking “and” at the end of paragraph (9), by striking

1 the period at the end of paragraph (10), and by inserting  
2 after paragraph (10) the following new paragraphs:

3 “(11) draft and distribute a national subpoena  
4 duces tecum for use by local and State child support  
5 agencies and child support litigants to reach income  
6 information pertaining to all private, Federal, State,  
7 and local government employees, as well as any re-  
8 ceivers of income, such subpoena duces tecum—

9 “(A) to be limited to evidence regarding  
10 the prior 12 months of income or evidence of  
11 accumulated income to date,

12 “(B) to be honored by payors with the  
13 timely mailing of the information to a supplied  
14 address on the subpoena,

15 “(C) to be enforced by a hearing held in  
16 the payor’s State at which time the payor  
17 bears, under penalty of State sanction, the bur-  
18 den of specifying the reasons for not timely  
19 honoring the subpoena, and

20 “(D) the information of which is to be ad-  
21 mitted once offered to prove the truth of the  
22 matter asserted; and

23 “(12) establish a simplified certification process  
24 and admissibility procedure for out-of-State docu-  
25 ments in child support or parentage cases.”.

1 **SEC. 211. UNIFORM TERMS IN ORDERS.**

2 Section 452(a) (42 U.S.C. 652(a)), as amended by  
3 section 210, is amended by striking “and” at the end of  
4 paragraph (11), by striking the period at the end of para-  
5 graph (12) and inserting “; and”, and by inserting after  
6 paragraph (12) the following new paragraph:

7 “(13) develop, in conjunction with State execu-  
8 tive and judicial organizations, a uniform abstract of  
9 a child support order, to be used by all State courts  
10 to record the facts of a child support order in a reg-  
11 istry of child support orders established under sec-  
12 tion 466(a)(12), such abstract to include—

13 “(A) the date that support payments are  
14 to commence;

15 “(B) the circumstances upon which sup-  
16 port payments are to terminate;

17 “(C) the amount of current child support  
18 expressed as a sum certain, arrearages ex-  
19 pressed as a sum certain as of a certain date,  
20 and any payback schedule for the arrearages;

21 “(D) whether the support award is in a  
22 lump sum (nonallocated) or per child;

23 “(E) if the award is lump sum, the event  
24 causing a change in the support award and the  
25 amount of any change;

1           “(F) other expenses, such as those for  
2 child care and health care;

3           “(G) names of the parents;

4           “(H) social security numbers and dates of  
5 birth of the parents;

6           “(I) names of all children covered by the  
7 order;

8           “(J) dates of birth and social security  
9 numbers of children covered by the order;

10           “(K) court identification (FIPS code,  
11 name and address) of the court issuing the  
12 order;

13           “(L) health-care support information; and

14           “(M) party to contact when additional in-  
15 formation is obtained.”.

16 **SEC. 212. SOCIAL SECURITY NUMBERS ON MARRIAGE LI-**  
17 **CENSES AND CHILD SUPPORT ORDERS.**

18           Section 466(a) (42 U.S.C. 666(a)), as amended by  
19 section 209, is amended by inserting after paragraph (19)  
20 the following new paragraph:

21           “(20) Procedures under which social security  
22 numbers of the individuals applying for a marriage  
23 license are listed on the license by each applicant’s  
24 name.”.

1 **SEC. 213. ADMINISTRATIVE SUBPOENA POWER.**

2 Section 466(a) (42 U.S.C. 666(a)), as amended by  
3 section 212, is amended by inserting after paragraph (20)  
4 the following new paragraph:

5 “(21) Procedures under which the State agency  
6 may issue subpoenas that require the individual  
7 served to produce and deliver documents to or to ap-  
8 pear at a court or administrative agency on a certain  
9 date and may sanction an individual for failing to  
10 obey the subpoena’s command.”

11 **TITLE III—PARENTAGE**

12 **SEC. 301. PARENTAGE.**

13 (a) STATE PLAN.—Section 454 (42 U.S.C. 654), as  
14 amended by section 204, is amended by striking “and”  
15 at the end of paragraph (24), by striking the period at  
16 the end of paragraph (25) and inserting “; and”, and by  
17 inserting after paragraph (25) the following new para-  
18 graph:

19 “(26) in order to encourage voluntary paternity  
20 acknowledgement, provide for—

21 “(A) the development and distribution of  
22 material at schools, hospitals, agencies admin-  
23 istering the programs under part A of this title  
24 and title XIX, prenatal health-care providers,  
25 WIC programs, health departments, clinics, and  
26 other appropriate locations that describe the

1 benefits and responsibilities of paternity estab-  
2 lishment and the process by which paternity  
3 services may be obtained,

4 “(B) outreach programs at hospitals and  
5 birthing facilities and programs for prenatal  
6 care, child birth, and parenting, and

7 “(C) the use of consent procedures.”.

8 (b) ENHANCED FEDERAL MATCH.—Section  
9 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by striking  
10 “and” at the end of subparagraph (B), by inserting “and”  
11 after the semicolon at the end of subparagraph (C), and  
12 by inserting after subparagraph (C) the following new sub-  
13 paragraph:

14 “(D) equal to 90 percent (rather than the  
15 percentage specified in subparagraph (A)) of so  
16 much of the sums expended during such quar-  
17 ter as are attributable to costs incurred in car-  
18 rying out the purposes of section 454(26);”.

## 19 **TITLE IV—ENFORCEMENT**

### 20 **SEC. 401. ANTI-ASSIGNMENT CLAUSES AMENDED.**

21 Section 462(f)(2) (42 U.S.C. 662(f)(2)) is amended  
22 by striking “(not including” and all that follows through  
23 “compensation)”.

1 **SEC. 402. NATIONAL REPORTING OF NEW HIRES AND CHILD**  
2 **SUPPORT INFORMATION.**

3 (a) FEDERAL IMPLEMENTATION OF SYSTEM.—

4 (1) IN GENERAL.—The Secretary of the Treas-  
5 ury, in consultation with the Secretary of Labor,  
6 shall establish a system of reporting of new employ-  
7 ees by requiring employers to provide a copy of every  
8 new employee’s W-4 form to the child support en-  
9 forcement agency of the State in which the employ-  
10 ment is located.

11 (2) EXPANDED USE OF FORM.—The Secretary  
12 of the Treasury shall modify the W-4 form com-  
13 pleted by the new employee to include—

14 (A) whether a child support obligation is  
15 owed by the new employee, and if so, to whom  
16 such obligation is payable and the amount of  
17 such obligation,

18 (B) whether payment of such obligation is  
19 to be by income withholding, and

20 (C) whether the new employee has health  
21 care insurance available.

22 (3) EMPLOYER WITHHOLDING OBLIGATION.—

23 (A) IN GENERAL.—Subtitle C of the Inter-  
24 nal Revenue Code of 1986 (relating to employ-  
25 ment taxes) is amended by inserting after chap-  
26 ter 24 the following new chapter:

1 **“CHAPTER 24A—COLLECTION OF CHILD**  
2 **SUPPORT OBLIGATIONS AT SOURCE**  
3 **OF WAGES**

“Sec. 3411. Child support obligations collected at source of wages.

4 **“SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT**  
5 **SOURCE OF WAGES.**

6 “(a) REQUIREMENT OF WITHHOLDING.—Every em-  
7 ployer making payment of wages shall deduct and with-  
8 hold upon such wages a specified child support obligation  
9 amount.

10 “(b) SPECIFIED CHILD SUPPORT OBLIGATION  
11 AMOUNT.—For purposes of this chapter, the specified  
12 child support obligation amount with respect to any em-  
13 ployee shall be determined based on information provided  
14 by the employee that has been confirmed or corrected by  
15 the State enforcing the wage withholding within which the  
16 employer is located under procedures described in section  
17 466(a)(22) of the Social Security Act.

18 “(c) LIABILITY FOR PAYMENT.—The employer shall  
19 be liable for the payment of the specified child support  
20 obligation amount to the payee identified by the employee.

21 “(d) SPECIAL RULES.—For purposes of this chapter  
22 (and so much of subtitle F as relates to this chapter), any  
23 specified child support obligation amount shall be treated

1 as if it were a tax withheld under chapter 24 and rules  
2 similar to the rules of such chapter shall apply.

3 “(e) DEFINITIONS.—For purposes of this section, the  
4 terms ‘wages’, ‘employee’ and ‘employer’ shall have the  
5 meanings given to such terms by subsections (a), (c), and  
6 (d), respectively.”

7 (B) CLERICAL AMENDMENT.—The table of  
8 chapters of subtitle C of the Internal Revenue  
9 Code of 1986 is amended by inserting after the  
10 item relating to chapter 24 the following new  
11 item:

“CHAPTER 24A. Child support obligations collected at source of  
wages.”.

12 (4) WITHHELD CHILD SUPPORT OBLIGATIONS  
13 REPORTED ON W-2 FORMS.—Subsection (a) of sec-  
14 tion 6051 of the Internal Revenue Code of 1986 (re-  
15 lating to receipts for employees) is amended by  
16 striking “and” at the end of paragraph (8), by strik-  
17 ing the period at the end of paragraph (9) and in-  
18 sserting “, and”, and by inserting after paragraph  
19 (9) the following new paragraph:

20 “(10) the total amount of specified child sup-  
21 port obligations withheld under section 3411.”.

22 (b) STATE IMPLEMENTATION OF SYSTEM.—Section  
23 466(a) (42 U.S.C. 666(a)), as amended by section 213,

1 is amended by inserting after paragraph (21) the following  
2 new paragraph:

3 “(22) Procedures under which the State shall—

4 “(A) impose monetary penalties on—

5 “(i) any individual who owes child  
6 support obligations who fails to report  
7 such obligations on a Federal income tax  
8 W-4 form at time of employment;

9 “(ii) any employer who fails to for-  
10 ward such W-4 form to the State child  
11 support enforcement agency within 10 cal-  
12 endar days of the date of the employment  
13 of such individual; and

14 “(iii) any employer who fails to with-  
15 hold the child support obligation and dis-  
16 burse such obligation to the individual  
17 owed such obligation within 10 calendar  
18 days of the date of the payroll, using elec-  
19 tronic funds transfer, if possible, unless  
20 otherwise notified by such State agency;

21 “(B) confirm the information provided  
22 under subparagraph (A)(ii) or identify child  
23 support obligations that have not been reported  
24 by the new employee through the use of the

1 Parent Locator System established under sec-  
2 tion 453;

3 “(C) notify the employer in cases where  
4 the employee has not correctly reported on the  
5 W-4 using a standard wage withholding notice  
6 developed by the Federal Office of Child Sup-  
7 port Enforcement under section 452(a)(14);

8 “(D) broadcast over the Parent Locator  
9 System to other States information based on  
10 W-4 form information that has been sent to the  
11 State child support enforcement agency; and

12 “(E) in the event of a match between the  
13 W-4 related information and the abstract of  
14 support orders on file in the State registry of  
15 child support orders, notify the individual owed  
16 a child support obligation or such individual’s  
17 designee of such information.

18 If an individual owed a child support obligation who  
19 is not utilizing the State program under this part  
20 desires the wage withholding services described in  
21 this paragraph, such individual shall be required to  
22 apply for assistance under the State plan.”.

23 (c) EFFECTIVE DATE.—The provisions and amend-  
24 ments made by this section shall take effect on and after  
25 January 1, 1998.

1 **SEC. 403. DIRECT INCOME WITHHOLDING.**

2 (a) STATE LAW.—

3 (1) IN GENERAL.—Section 466(b) (42 U.S.C.  
4 666(b)) is amended by adding at the end the follow-  
5 ing new paragraphs:

6 “(11) Any individual or entity engaged in com-  
7 merce, as a condition of doing business in the State,  
8 shall honor income withholding notices or orders is-  
9 sued by a court or agency of any other State. Serv-  
10 ice of the notice may be by first-class mail, or di-  
11 rectly served on the income source. The individual or  
12 entity served shall immediately provide a copy of the  
13 notice to the employee. The individual or entity shall  
14 honor the withholding notice or order—

15 “(A) if such notice or order is regular on  
16 its face,

17 “(B) regardless of the location of the em-  
18 ployee’s workplace.

19 If such notice or order is fully complied with, the in-  
20 dividual or entity may not be held liable for wrongful  
21 withholding.

22 “(12) In any case under this part, if a contest  
23 to or refusal to comply with an income withholding  
24 notice or order occurs, the State seeking withholding  
25 shall send an informational copy of the withholding  
26 notice or order to the registry established under sub-

1 section (a)(15) in the State in which the employee  
2 is employed or which is the source of the income.”.

3 (2) CONTEST HEARING.—Paragraph (4) of sec-  
4 tion 466(b) (42 U.S.C. 666(b)) is amended by add-  
5 ing at the end the following new subparagraph:

6 “(C) If the employee requests a hearing to con-  
7 test the withholding based on a mistake of fact, that  
8 hearing may be held in the State of the income  
9 source or the State of the employee’s employment,  
10 with a determination made within 45 days of the  
11 mailing of the withholding notice or order to the in-  
12 come source. The State where any hearing is held  
13 shall provide the appropriate services in cases en-  
14 forced under the State plan to ensure that the inter-  
15 ests of the individual owed the child support obliga-  
16 tion are represented.”.

17 (3) EMPLOYER RECORDS.—Paragraph (6) of  
18 section 466(b) (42 U.S.C. 666(b)) is amended by  
19 adding at the end the following new subparagraph:

20 “(E) The employer shall maintain records of  
21 payroll deductions taken in compliance with this sec-  
22 tion and make such records available upon request  
23 to the State or individual enforcing the wage with-  
24 holding order.”.

1 (b) UNIFORM WITHHOLDING NOTICE.—Section  
2 452(a) (42 U.S.C. 652(a)), as amended by section 211,  
3 is amended by striking “and” at the end of paragraph  
4 (12), by striking the period at the end of paragraph (13)  
5 and inserting “; and”, and by inserting after paragraph  
6 (13) the following new paragraph:

7 “(14) develop a uniform withholding notice to  
8 be used in all income withholding cases, such notice  
9 to list the number of children covered by such notice  
10 and to be generic to allow for the service of the same  
11 notice on subsequent or concurrent sources of in-  
12 come without the necessity of obtaining from the  
13 decisionmaker a new, income-source-specific notice.”.

14 **SEC. 404. PRIORITY OF WAGE WITHHOLDING.**

15 Section 466(b) (42 U.S.C. 666(a)), as amended by  
16 section 403, is amended by inserting after paragraph (14)  
17 the following new paragraph:

18 “(13) Procedures under which, absent a request  
19 by the custodial parent, the presumptive priority of  
20 withholding under a child support or income with-  
21 holding order is—

22 “(A) payments on current support obliga-  
23 tions,

24 “(B) payments of premiums for health in-  
25 surance for dependent children, and

1           “(C) payments on past due child support  
2           obligations and unreimbursed health-care ex-  
3           penses.

4           In the case of multiple withholding orders affecting  
5           the same employee, payments shall be made to each  
6           child on a pro rata basis.”.

7   **SEC. 405. DEFINITION OF INCOME SUBJECT TO WITHHOLD-**  
8                                   **ING INCLUDES WORKERS’ COMPENSATION.**

9           Section 462 (42 U.S.C. 662(f)) is amended—

10           (1) by striking “For purposes of section 459”  
11           and inserting “For purposes of section 459 and, in  
12           the case of subsection (f), this part”,

13           (2) by striking the period at the end of para-  
14           graph (2) of subsection (f) and inserting “, or”, and

15           (3) by adding at the end of subsection (f) the  
16           following new paragraph:

17           “(3) workers’ compensation benefits.”.

18   **SEC. 406. CONSUMER CREDIT PROTECTION ACT AMEND-**  
19                                   **MENTS.**

20           (a) **PREEMPTION OF STATE LAWS.**—Section 307 of  
21           the Consumer Credit Protection Act (15 U.S.C. 1677) is  
22           amended—

23           (1) by striking “This” and inserting “(a) **IN**  
24           **GENERAL.**—Subject to subsection (b), this”;

1           (2) by striking “or” at the end of paragraph  
2           (1);

3           (3) by striking the period at the end of para-  
4           graph (2) and inserting “, or”; and

5           (4) by adding at the end the following:

6           “(3) providing a cause of action, either by the  
7           State or a private individual, to enforce a Federal or  
8           State law related to garnishment for the purpose of  
9           securing child support.

10          “(b) EXCEPTION.—Subsection (a)(1) does not apply  
11          to the laws of any State that prohibit or restrict garnish-  
12          ments for the purpose of securing support for any  
13          person.”.

14          (b) OTHER FORMS OF INCOME.—Title III of the  
15          Consumer Credit Protection Act (15 U.S.C. 1671 et seq.)  
16          is amended by adding at the end the following new section:

17          “**SEC. 308. OTHER FORMS OF INCOME.**

18          “‘This title does not apply to forms of income that  
19          are not earnings within the definition contained in section  
20          302(a).”.

21          (c) PRIORITY OF DEBTS.—Title III of the Consumer  
22          Credit Protection Act (15 U.S.C. 1671 et seq.), as amend-  
23          ed by subsection (b), is further amended by adding at the  
24          end the following new section:

1 **“SEC. 309. PRIORITY OF DEBTS.**

2 “If an individual’s disposable earnings are not suffi-  
3 cient to pay—

4 “(1) a garnishment intended to satisfy a Fed-  
5 eral debt; and

6 “(2) a garnishment intended to satisfy a debt  
7 related to the support of any child,

8 the Federal debt shall be satisfied through garnishment  
9 only after the debt related to child support has first been  
10 satisfied.”.

11 (d) **ADDITIONAL INDEBTEDNESS IN ANTI-DIS-**  
12 **CHARGE SECTION.**—Section 304 of the Consumer Credit  
13 Protection Act (16 U.S.C. 1674) is amended by adding  
14 at the end the following:

15 “(c) The prohibition contained in subsection (a) shall  
16 apply to any employee whose earnings are subject to gar-  
17 nishment for more than one indebtedness, if the additional  
18 indebtedness arises from an order for the support of a  
19 child.”.

20 **SEC. 407. ELECTION OF REMEDIES PROHIBITION.**

21 Section 466(a) (42 U.S.C. 666(a)), as amended by  
22 section 402, is amended by inserting after paragraph (22)  
23 the following new paragraph:

24 “(23) Procedures under which the doctrine of  
25 election of remedies may not be invoked in child sup-  
26 port cases.”.

1 **SEC. 408. OCCUPATIONAL, PROFESSIONAL AND BUSINESS**  
2 **LICENSES**

3 (a) STATE HOLD BASED ON WARRANT OR SUPPORT  
4 DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as  
5 amended by section 407, is amended by inserting after  
6 paragraph (23) the following new paragraph:

7 “(24) Procedures under which the State occu-  
8 pational licensing and regulating departments and  
9 agencies may not issue or renew occupational, pro-  
10 fessional, or business licenses of—

11 “(A) noncustodial parents who are the sub-  
12 ject of outstanding failure to appear warrants,  
13 capiases, and bench warrants related to a child  
14 support proceeding that appear on the State’s  
15 crime information system, until removed from  
16 the system; and

17 “(B) individuals who are delinquent in  
18 their child support obligation, until the pro se  
19 obligee, the obligee’s attorney, or a State pros-  
20 ecutor responsible for child support enforcement  
21 consents to, or a court that is responsible for  
22 the order’s enforcement orders, the release of  
23 the hold on the license, or an expedited inquiry  
24 and review is completed while such individual is  
25 granted a 60-day temporary license.”.

1 (b) FEDERAL HOLD BASED ON SUPPORT DELIN-  
2 QUENCY.—No Federal agency may issue or renew occupa-  
3 tional, professional, or business licenses of individuals who  
4 are delinquent in their child support obligation, until the  
5 pro se obligee, the obligee’s attorney or a State prosecutor  
6 responsible for child support enforcement consents to, or  
7 a court that is responsible for the order’s enforcement or-  
8 ders, the release of the hold on the license, or an expedited  
9 inquiry and review is completed while such individual is  
10 granted a 60-day temporary license.

11 (c) WAIVER OF FEDERAL IMMUNITY.—The Federal  
12 Government shall waive its sovereign immunity claims for  
13 this limited purpose and cooperate fully with local and  
14 State officials regarding license issuances or renewals.

15 **SEC. 409. DRIVER’S LICENSES.**

16 Section 466(a) (42 U.S.C. 666(a)), as amended by  
17 section 408, is amended by inserting after paragraph (24)  
18 the following new paragraph:

19 “(25) Procedures under which the State motor  
20 vehicle department may not issue or renew a driver’s  
21 license (other than a temporary license of not more  
22 than 60-days duration) of any noncustodial parent  
23 who is the subject of an outstanding failure to ap-  
24 pear warrant, capias, or bench warrant related to a  
25 child support proceeding that appears on the State’s

1 crime information system, until removed from the  
2 system.”.

3 **SEC. 410. ATTACHMENT OF BANK ACCOUNTS.**

4 Section 466(a) (42 U.S.C. 666(a)), as amended by  
5 section 409, is amended by inserting after paragraph (25)  
6 the following new paragraph:

7 “(26) Procedures under which the State shall  
8 authorize post-judgment seizure of the bank ac-  
9 counts of delinquent child support obligors without  
10 the need to obtain a separate court order for the at-  
11 tachment. The funds shall be frozen pending notice  
12 to and an expedited opportunity to be heard for the  
13 account holder or holders. If the account holder or  
14 holders do not successfully challenge the freeze, the  
15 part of the account subject to the freeze up to the  
16 amount of the child support debt shall be turned  
17 over to the individual or State seeking the execu-  
18 tion.”.

19 **SEC. 411. LOTTERIES, SETTLEMENTS, PAYOUTS, AWARDS,  
20 AND FORFEITURES.**

21 Paragraph (4) of section 466(a) (42 U.S.C. 666(a))  
22 is amended by inserting before the period the following:  
23 “, including the following:

24 “(A) A lottery player’s winnings from a  
25 State lottery or a gambler’s winnings in a

1 State-sanctioned or tribal-sanctioned gambling  
2 house or casino held by the distributor.

3 “(B) Insurance settlements or policy pay-  
4 outs held by the insurance carrier or the risk-  
5 holder.

6 “(C) State or Federal court awards, judg-  
7 ments, or settlements held by either the attor-  
8 ney for the payor or the pro se payor.

9 “(D) Property seized and forfeited to the  
10 State when an individual has been convicted of  
11 a crime involving forfeiture of property.”.

12 **SEC. 412. FRAUDULENT TRANSFER PURSUIT.**

13 Section 466(a) (42 U.S.C. 666(a)), as amended by  
14 section 410, is amended by inserting after paragraph (26)  
15 the following new paragraph:

16 “(27) Procedures that allow the State to void  
17 fraudulent conveyances of property that are made in  
18 an attempt to avoid child support obligations.”.

19 **SEC. 413. FULL IRS COLLECTION.**

20 (a) SENSE OF THE CONGRESS.—It is the sense of the  
21 Congress that the Commissioner of the Internal Revenue  
22 Services should instruct the field offices and agents of the  
23 Internal Revenue Service to give a high priority to re-  
24 quests for the use of full collection in delinquent child sup-

1 port cases, and to set uniform standards for full collection  
2 to ensure its expeditious and effective implementation.

3 (b) SIMPLIFIED PROCEDURE.—The Secretary of the  
4 Treasury, in consultation with the Secretary of Health and  
5 Human Services, shall by regulation simplify the full col-  
6 lection process and reduce the amount of child support  
7 arrearage needed before an individual may apply for full  
8 collection, and shall report to the Congress by January  
9 1, 1997, on the actions taken and the effect of such ac-  
10 tions.

11 **SEC. 414. BONDS.**

12 Paragraph (6) of section 466(a) (42 U.S.C. 666(a))  
13 is amended by inserting “(A)” after “(6)” and by adding  
14 at the end the following new subparagraph:

15 “(B) In cases not involving absent parents, pro-  
16 cedures which allow the posting of a cash bond, se-  
17 curity deposit, or personal undertaking with the  
18 State child enforcement agency if child support pay-  
19 ments are not timely made, with the refund of funds  
20 (other than the costs of posting) if the individual  
21 who owes a child support obligation makes full pay-  
22 ments for a prescribed period of time.”.

23 **SEC. 415. TAX OFFSET FOR NONAFDC POST-MINOR CHILD.**

24 Section 464(c) (42 U.S.C. 664(c)) is amended—

1 (1) by striking “(1) Except as provided in para-  
2 graph (2), as” and inserting “As”, and

3 (2) by striking paragraphs (2) and (3).

4 **SEC. 416. ATTACHMENT OF PUBLIC AND PRIVATE RETIRE-**  
5 **MENT FUNDS.**

6 Section 466(a) (42 U.S.C. 666(a)), as amended by  
7 section 412, is amended by inserting after paragraph (27)  
8 the following new paragraph:

9 “(28) Procedures under which—

10 “(A) an individual owed a child support  
11 obligation may attach lump sum funds invested  
12 by the individual who owes such obligation or  
13 the employer of such individual in public and  
14 private retirement plans, including any funds  
15 that are prematurely reachable by such individ-  
16 ual without loss of employment even if the dis-  
17 tribution would cause a penalty or tax to such  
18 individual for early withdrawal;

19 “(B) all early withdrawal penalties or taxes  
20 remain the responsibility of the individual who  
21 owes such obligation; and

22 “(C) the attachment is made without the  
23 requirement of a separate court order, with no-  
24 tice and an expedited hearing provided if re-  
25 quested.”.

1 **SEC. 417. CRIMINAL NONSUPPORT.**

2 Section 466(a) (42 U.S.C. 666(a)), as amended by  
3 section 416 is amended by inserting after paragraph (28)  
4 the following new paragraph:

5 “(29) Procedures under which—

6 “(A) criminal nonsupport penalties may be  
7 imposed; and

8 “(B) the use immunity may be granted to  
9 compel testimony in civil child support proceed-  
10 ings where the defendant claims a Fifth  
11 Amendment privilege against self-incrimination,  
12 and once granted, bars Federal or other State  
13 prosecution for criminal nonsupport based on  
14 the testimony given in the civil proceeding in  
15 which use immunity was granted.”.

16 **SEC. 418. STATUTES OF LIMITATION.**

17 (a) IN GENERAL.—Section 466(a) (42 U.S.C.  
18 666(a)), as amended by section 417, is amended by insert-  
19 ing after paragraph (29) the following new paragraph:

20 “(30) Procedures which permit the enforcement  
21 of any child support order until at least the child’s  
22 30th birthday.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 this section shall apply to orders entered before, on, and  
25 after the date of the enactment of this Act.

1 **SEC. 419. INTEREST.**

2 Section 466(a) (42 U.S.C. 666(a)), as amended by  
3 section 418, is amended by inserting after paragraph (30)  
4 the following new paragraph:

5 “(31) Procedures under which the State child  
6 support enforcement agency is required to assess  
7 and collect interest on all child support judgments,  
8 at the rate determined for interest on money judg-  
9 ments, and in addition to any late payment fee im-  
10 posed by the State under section 454(21).”.

11 **SEC. 420. HEALTH-CARE ENFORCEMENT.**

12 Section 466(a) (42 U.S.C. 666(a)), as amended by  
13 section 419, is amended by inserting after paragraph (31)  
14 the following new paragraph:

15 “(32) Procedures under which—

16 “(A) a rebuttable presumption is estab-  
17 lished that the individual owed a child support  
18 obligation shall have the right to choose the ap-  
19 propriate health care insurance for the children  
20 of the parties;

21 “(B) in making the appropriate order for  
22 health care insurance, the court shall consider  
23 the availability, coverage, and cost of any pro-  
24 posed insurance plan;

25 “(C) the insurance premium and  
26 noncovered health care expenses are appor-

1           tioned between the parents pursuant to a for-  
2           mula included in the State’s child support  
3           guideline;

4           “(D) any insurance premium or sum-cer-  
5           tain health care expense for which the individ-  
6           ual who owes such obligation is responsible  
7           shall be included in the child support order;

8           “(E) the individual owed such obligation  
9           under the child support order may act in the  
10          place of the insured, including the right to  
11          make direct application for insurance, and to  
12          make claims and sign claim forms to the same  
13          extent as the insured could;

14          “(F) if the individual who owes such obli-  
15          gation is securing the insurance, such individual  
16          shall provide, within 30 days of the order, writ-  
17          ten proof to the individual owed such obligation  
18          and the State child support enforcement agency  
19          that insurance has been obtained or an applica-  
20          tion made for insurance, and the date the in-  
21          surance coverage is to take effect;

22          “(G) each welfare benefit plan operating  
23          under the laws of the State is required to in-  
24          clude in such plan that—

1           “(i) the employer or union shall re-  
2 lease to the individual owed such obligation  
3 or the State child enforcement agency,  
4 upon request, information on the depend-  
5 ent coverage including the name of the in-  
6 surer,

7           “(ii) the employer or union or insurer  
8 shall provide all necessary reimbursement  
9 forms to such individual, and

10           “(iii) the employer or union shall pro-  
11 vide claim forms and enrollment cards to  
12 such individual and honor the signature of  
13 such individual on the claim form;

14           “(H) courts shall quantify ‘reasonable cost’  
15 in the order providing for medical support; and

16           “(I) employers located in the State are re-  
17 quired to provide notice, using an address pro-  
18 vided by the State child support enforcement  
19 agency, to the custodial parent for children of  
20 any termination or change in benefit of an in-  
21 surance plan under which children in the par-  
22 ent’s care are covered.”.

1 **SEC. 421. BANKRUPTCY.**

2 (a) DEFINITION.—Section 101 of title 11, United  
3 States Code, is amended by inserting after paragraph (12)  
4 the following new paragraph:

5 “(12a) ‘debt for child support’ means a debt to  
6 a child for maintenance for or support of the child  
7 within the meaning of section 523(a)(5).”.

8 (b) EXCEPTION FROM AUTOMATIC STAY.—Section  
9 362(b) of title 11, United States Code, is amended—

10 (1) by inserting “(A)” after “(2)”;

11 (2) by adding “or” after the semicolon; and

12 (3) by adding at the end the following new  
13 paragraph:

14 “(B) under subsection (a), of the commence-  
15 ment or continuation of a civil action or administra-  
16 tive proceeding against the debtor—

17 “(i) to establish parentage;

18 “(ii) to establish, review, adjust, or modify  
19 a judgment or order creating a debt for child  
20 support; or

21 “(iii) to enforce or collect on a judgment or  
22 order issued in such an action or proceeding;”.

23 (c) TREATMENT OF DEBT FOR CHILD SUPPORT IN  
24 PROCEEDINGS UNDER CHAPTERS 11, 12, AND 13.—

25 (1) CHAPTER 11.—Section 1123(a) of title 11,  
26 United States Code, is amended—

1 (A) by striking “and” at the end of para-  
2 graph (6);

3 (B) by striking the period at the end of  
4 paragraph (7) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(8) provide for the full payment when due of  
8 debts for child support, unless the parent in custody  
9 or guardian of the child agrees otherwise.”.

10 (2) CHAPTER 12.—Section 1222(a) of title 11,  
11 United States Code, is amended—

12 (A) by striking “and” at the end of para-  
13 graph (2);

14 (B) by striking the period at the end of  
15 paragraph (3) and inserting “; and”; and

16 (C) by adding at the end the following new  
17 paragraph:

18 “(4) provide for the full payment when due of  
19 debts for child support, unless the parent in custody  
20 or guardian of the child agrees otherwise.”.

21 (3) CHAPTER 13.—Section 1322(a) of title 11,  
22 United States Code, is amended—

23 (A) by striking “and” at the end of para-  
24 graph (2);

1 (B) by striking the period at the end of  
2 paragraph (3) and inserting “; and”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(4) provide for the full payment when due of  
6 debts for child support, unless the parent in custody  
7 or guardian of the child agrees otherwise.”.

8 (d) ASSERTION OF CLAIM FOR CHILD SUPPORT.—

9 (1) IN GENERAL.—Subchapter I of chapter 5 of  
10 title 11, United States Code, is amended by adding  
11 at the end the following new section:

12 **“§ 511. Assertion of claim for child support**

13 “(a) IN GENERAL.—A claim for payment of a debt  
14 for child support may be asserted by the filing of a claim  
15 form that describes the debt.

16 “(b) FEE.—No fee shall be charged for the filing of  
17 a claim described in subsection (a).

18 “(c) REQUIREMENTS FOR APPEARANCE.—A claim  
19 described in subsection (a) may be made in any court by  
20 a person appearing—

21 “(1) in proper person; or

22 “(2) through an attorney admitted to practice  
23 in any district court, without the attorney’s being re-  
24 quired to meet any admission requirements other

1 than those applicable in the district in which the at-  
2 torney is admitted to practice.”.

3 (2) BANKRUPTCY RULES.—Pursuant to section  
4 2705 of title 28, United States Code, the Bank-  
5 ruptcy Rules shall be amended as necessary to im-  
6 plement section 511 of title 11, United States Code,  
7 as added by paragraph (1); until the Bankruptcy  
8 Rules are so amended, any provision of the Bank-  
9 ruptcy Rules or the rules of any court that is incon-  
10 sistent with that section is superseded by that sec-  
11 tion.

12 (e) CLARIFICATION OF THE NONDISCHARGEABILITY  
13 OF STATE PUBLIC DEBTS AND ASSIGNED CHILD SUP-  
14 PORT BASED ON THE PROVISION OF EXPENDITURES  
15 UNDER PARTS A AND E OF TITLE IV OF THE SOCIAL  
16 SECURITY ACT.—Section 523 of title 11, United States  
17 Code, is amended by adding at the end the following new  
18 subsection:

19 “(f) For the purposes of subsection (a)(5), a debt to  
20 a child of the debtor for maintenance for or support of  
21 the child includes State public debts and assigned child  
22 support based on the provision of expenditures under  
23 parts A and E of title IV of the Social Security Act (43  
24 U.S.C. 401 et seq. and 470 et seq.).”.

1 **SEC. 422. FEDERAL GOVERNMENT COOPERATION IN EN-**  
2 **FORCEMENT OF SUPPORT OBLIGATIONS OF**  
3 **MEMBERS OF THE ARMED FORCES AND**  
4 **OTHER PERSONS ENTITLED TO PAYMENTS**  
5 **BY THE FEDERAL GOVERNMENT.**

6 (a) AVAILABILITY OF CURRENT LOCATOR INFORMA-  
7 TION.—The Secretary of Defense shall prescribe regula-  
8 tions providing for each worldwide personnel locator serv-  
9 ice of the Armed Forces and each installation personnel  
10 locator service of the Armed Forces—

11 (1) to include the residential address of each  
12 member of the Armed Forces listed in such service;

13 (2) in the case of a change of duty station or  
14 residential address of a member so listed, to be up-  
15 dated with regard to the residential address of the  
16 member within 30 days after the change of duty sta-  
17 tion or residential address; and

18 (3) to make the information regarding the  
19 member's residential address available, on request,  
20 to any authorized person (as defined in section  
21 453(c) of the Social Security Act (42 U.S.C. 653(c))  
22 for the purposes of part D of title IV of such Act.

23 (b) FACILITATING THE GRANTING OF LEAVE FOR  
24 ATTENDANCE AT HEARINGS.—

25 (1) REGULATIONS REQUIRED.—The Secretary  
26 of each military department shall prescribe regula-

1 tions to facilitate the granting of leave to a member  
2 of the Armed Forces under the jurisdiction of that  
3 Secretary when necessary for the member to attend  
4 a hearing of a Court that is conducted in connection  
5 with a civil action—

6 (A) to determine whether the member is a  
7 natural parent of a child; or

8 (B) to determine an obligation of the mem-  
9 ber to provide child support.

10 (2) WAIVER AUTHORITY.—The regulations may  
11 authorize a waiver of the applicability of the regula-  
12 tions to a member of the Armed Forces when—

13 (A) the member is serving in an area of  
14 combat operations; or

15 (B) such a waiver is otherwise necessary in  
16 the national security interest of the United  
17 States.

18 (3) DEFINITIONS.—In this section:

19 (A) The term “Court” has the meaning  
20 given such term in section 1408(a) of title 10,  
21 United States Code.

22 (B) The term “child support” has the  
23 meaning given such term in section 462 of the  
24 Social Security Act (42 U.S.C. 662).

1 (c) PAYMENT OF MILITARY RETIRED PAY IN COM-  
2 PLIANCE WITH COURT ORDERS.—

3 (1) DATE OF CERTIFICATION OF COURT  
4 ORDER.—Section 1408 of title 10, United States  
5 Code, is amended—

6 (A) by redesignating subsection (h) as sub-  
7 section (i); and

8 (B) by inserting after subsection (g) the  
9 following new subsection (h):

10 “(h) CERTIFICATION DATE.—It is not necessary that  
11 the date of a certification of the authenticity or complete-  
12 ness of a copy of a court order for child support received  
13 by the Secretary concerned for the purposes of this section  
14 be recent in relation to the date of receipt.”.

15 (2) PAYMENTS CONSISTENT WITH ASSIGN-  
16 MENTS OF RIGHTS TO STATES.—

17 (A) AUTHORITY.—Subsection (d)(1) of  
18 such section is amended by inserting after the  
19 first sentence the following: “In the case of a  
20 spouse or former spouse who, pursuant to sec-  
21 tion 402(a)(26) of the Social Security Act (42  
22 U.S.C. 602(26)), assigns to a State the rights  
23 of the spouse or former spouse to receive sup-  
24 port, the Secretary concerned may make the  
25 child support payments referred to in the pre-

1 ceding sentence to that State in amounts con-  
2 sistent with the assignment of rights.”.

3 (B) RULE OF CONSTRUCTION.—Subsection  
4 (c)(2) of such section is amended—

5 (i) by inserting after the first sentence  
6 the following: “The second sentence of sub-  
7 section (d)(1) shall not be construed to  
8 create any such right, title, or interest.”;

9 (ii) by inserting “(A)” after “(2)”;  
10 and

11 (iii) by designating the last sentence  
12 as subparagraph (B).

13 (3) ARREARAGES OWED BY MEMBERS OF THE  
14 UNIFORMED SERVICES.—Part D of title IV (42  
15 U.S.C. 651 et seq.) is amended by inserting after  
16 section 465 the following new section:

17 **“SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES**  
18 **OWED BY MEMBERS OF THE UNIFORMED**  
19 **SERVICES.**

20 “Any authority, requirement, or procedure provided  
21 in this part or section 1408 of title 10, United States  
22 Code, that applies to the payment of child support owed  
23 by a member of the uniformed services (as defined in sec-  
24 tion 101 of title 37, United States Code) shall apply to

1 the payment of child support arrearages as well as to  
2 amounts of child support that are currently due.”.

3 **SEC. 423. UIFSA ENDORSEMENT.**

4 Section 466 (42 U.S.C. 666) is amended by adding  
5 at the end the following new subsection:

6 “(f) In order to satisfy section 454(20)(A), each  
7 State must have in effect laws which adopt without mate-  
8 rial change by January 1, 1997, the officially approved  
9 version of the Uniform Interstate Family Support Act  
10 adopted by the National Conference of Commissioners on  
11 Uniform State Laws and approved by the American Bar  
12 Association House of Delegates on February 9, 1993.”.

13 **TITLE V—COLLECTION AND**  
14 **DISTRIBUTION**

15 **SEC. 501. PRIORITY OF DISTRIBUTION OF COLLECTIONS.**

16 (a) STATE DISTRIBUTION PLAN.—Section 457 (42  
17 U.S.C. 657) is amended by adding at the end the following  
18 new subsection:

19 “(e) The amounts collected as support by a State  
20 pursuant to a plan approved under this part during any  
21 fiscal year beginning after September 30, 1996 (except  
22 amounts collected through a tax refund offset), shall (sub-  
23 ject to subsection (d) be distributed as follows:

24 “(1) To a current month’s child support obliga-  
25 tion.

1           “(2) After the fulfillment of the current  
2 month’s obligation, to debts owed the family (other  
3 than obligations under this title); if any right to  
4 child support were assigned to the State, then all ar-  
5 rearages that accrued after the child no longer re-  
6 ceived assistance under this title are to be distrib-  
7 uted to the family; States may include any  
8 preassignment family-debt arrearages at this priority  
9 level.

10           “(3) To reimburse the State making the collec-  
11 tion for any assistance payments made to the family  
12 (with appropriate reimbursement of the Federal  
13 Government to the extent of its participation in the  
14 financing).

15           “(4) To reimburse other States for payments  
16 described in paragraph (3) (in the order in which  
17 such payments occurred). The collecting State shall  
18 continue to enforce the order until all such payments  
19 have been reimbursed and to transmit the collections  
20 and identifying information to the other State.”.

21           (b) STUDY AND PILOT PROJECTS.—The Comptroller  
22 General of the United States (hereafter in this subsection  
23 referred to as the “Comptroller General”) shall analyze  
24 the existing child support distribution system under sec-  
25 tion 457 of the Social Security Act and authorize pilot

1 projects for the distribution of arrearages in the following  
2 order:

3 (1) Application of all support collected first to  
4 a current month's child support obligation.

5 (2) Application of funds collected in excess of  
6 the amount of the current month's obligation to  
7 debts owed the family (other than obligations under  
8 this title).

9 (3) Using funds collected in excess of the debts  
10 to the family and in excess of the amount of the cur-  
11 rent support obligation, to reimburse the State mak-  
12 ing the collection for any assistance payments made  
13 to the family (with appropriate reimbursement of the  
14 Federal Government to the extent of its participa-  
15 tion in the financing).

16 (4) Using funds collected in excess of the cur-  
17 rent month's support obligation after the debt to the  
18 family and the collecting State have been satisfied,  
19 to reimburse other States for payments described in  
20 paragraph (3) (in the order in which such payments  
21 occurred). The collecting State shall continue to en-  
22 force the order until all such payments have been re-  
23 imbursed and to transmit the collections and identi-  
24 fying information to the other State.

1           (5) Subject to paragraph (6), the priority of  
2           distribution of interest shall reflect the distribution  
3           priority for the child support installment or the title  
4           IV of the Social Security Act grant on which the in-  
5           terest accrued.

6           (6) A State's right to retain interest on as-  
7           signed support is limited to the grant amount paid  
8           by that State. All additional interest is to be distrib-  
9           uted to the individual owed such support.

10       The pilot projects shall be awarded to States that allow  
11       for the indefinite tolling of the statute of limitations on  
12       debts under title IV of the Social Security Act and are  
13       not governed by Federal case law that allows for the  
14       dischargeability of such debts in bankruptcy. In analyzing  
15       each pilot project a cost-benefit analysis, a welfare-medic-  
16       aid-food stamp cost-avoidance analysis, and an analysis of  
17       the family impact including a present value dollar valu-  
18       ation of the distribution scheme shall be reported to the  
19       Comptroller General. The Comptroller General shall re-  
20       port the results of the study and pilot projects to the Con-  
21       gress.

22       (c) REVISION OF FEDERAL INCOME TAX REFUND  
23       OFFSET.—Section 6402 of the Internal Revenue Code of  
24       1986 (relating to authority to make credits or refunds)  
25       is amended—



1           “(33) Procedures under which any claims for  
2           the child’s portion of the assistance under this title  
3           such State may have against a noncustodial parent  
4           shall be limited to the amount specified as child sup-  
5           port under a court or administrative order.”.

6 **SEC. 503. FEES FOR NONAFDC CLIENTS.**

7           Clause (ii) of section 454(6)(E) (42 U.S.C.  
8 654(6)(E)) shall be amended to read as follows:

9                   “(ii) at the option of the State, from any  
10                   individual other than the custodial parent;”.

11 **SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR**  
12 **CHILD SUPPORT.**

13           Section 454 (42 U.S.C. 654), as amended by section  
14 301, is amended by striking “and” at the end of para-  
15 graph (25), by striking the period at the end of paragraph  
16 (26) and inserting “; and”, and by inserting after para-  
17 graph (26) the following new paragraph:

18                   “(27) provide either one central, statewide col-  
19                   lection, accounting, and disbursement point for cases  
20                   under this part or several local or regional collection  
21                   and disbursement points throughout the State for all  
22                   cases.”.

## **TITLE VI—FEDERAL ROLE**

### **2 SEC. 601. PLACEMENT AND ROLE OF THE FEDERAL CHILD 3 SUPPORT AGENCY.**

4 Section 452(a) (42 U.S.C. 652(a)), as amended by  
5 section 403 is amended—

6 (1) by striking “under the direction of a des-  
7 ignee of the Secretary” and inserting “to be known  
8 as the Office of Child Support Enforcement, under  
9 the direction of an assistant secretary appointed by  
10 the President with the advice and consent of the  
11 Senate”;

12 (2) by inserting “using a methodology that re-  
13 flects cost-avoidance as well as cost-recovery” after  
14 “the States and the Federal Government” in para-  
15 graph (10)(A);

16 (3) by inserting “, including a separate legal  
17 counsel for the Office” after “Enforcement” in para-  
18 graph (10)(B);

19 (4) by redesignating subparagraphs (H) and (I)  
20 of paragraph (10) as subparagraphs (I) and (J) of  
21 such paragraph, respectively, and by inserting after  
22 subparagraph (G) of such paragraph the following  
23 new subparagraph:

1           “(H) the budgetary allocation of the \$50  
2           pass through equally between part A and this  
3           part;”; and

4           (5) by striking “and” at the end of paragraph  
5           (13), by striking the period at the end of paragraph  
6           (14) and inserting “; and”, and by inserting after  
7           paragraph (14) the following new paragraph:

8           “(15) initiate and actively pursue with other  
9           Federal agencies, coordinated efforts on Federal leg-  
10          islation.”.

11 **SEC. 602. TRAINING.**

12          (a) FEDERAL TRAINING ASSISTANCE.—Section  
13 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting  
14 “and training” after “technical assistance”.

15          (b) STATE TRAINING PROGRAM.—Section 454 (42  
16 U.S.C. 654), as amended by section 504, is amended by  
17 striking “and” at the end of paragraph (26), by striking  
18 the period at the end of paragraph (27) and inserting “;  
19 and”, and by inserting after paragraph (27) the following  
20 new paragraph:

21           “(28) provide that the State will develop and  
22           implement a training program which provides train-  
23           ing no less than annually to all personnel providing  
24           functions under the State plan.”.

1 (c) REPORT.—Section 452(a)(10) (42 U.S.C.  
2 652(a)(10)), as amended by section 601, is amended by  
3 redesignating subparagraphs (I) and (J) as subpara-  
4 graphs (J) and (K), respectively, and by inserting after  
5 subparagraph (H) the following new subparagraph:

6 “(I) the training activities at the Federal  
7 and State levels, the training audit, and the  
8 amount of funds expended on training;”.

9 **SEC. 603. STAFFING.**

10 Section 452(a) (42 U.S.C. 652(a)), as amended by  
11 section 601, is amended by striking “and” at the end of  
12 paragraph (14), by striking the period at the end of para-  
13 graph (15) and inserting “; and”, and by inserting after  
14 paragraph (15) the following new paragraph:

15 “(16) conduct staffing studies for each State  
16 child support enforcement program, including each  
17 agency and court involved in the child support proc-  
18 ess, and report such results to the Congress and  
19 State officials.”.

20 **SEC. 604. FUNDING AND INCENTIVES FOR CHILD SUPPORT**  
21 **AGENCIES.**

22 (a) STUDY.—The Comptroller General of the United  
23 States shall study the incentive formula under section 458  
24 of the Social Security Act (42 U.S.C. 458) and investigate  
25 the feasibility, costs, and benefits of the following:

1           (1) Encouraging States to centralize functions  
2           at the State level.

3           (2) Abolishing minimum incentives to States as  
4           well as the requirement that incentive funds be  
5           passed to local child support enforcement agencies.

6           (3) Exploring incentive formula that are based  
7           on increases in FFP for States that exceed perform-  
8           ance criteria instead of the present percentage of  
9           collections formula.

10          (4) Promoting quality control.

11          (5) Providing financial incentives for the en-  
12          forcement of health-care expenses.

13          (6) Providing for a Federal incentive formula  
14          that would include tying incentive amounts to per-  
15          formance criteria that include total collections as a  
16          denominator (not solely the amount of AFDC collec-  
17          tions) and which are not solely based on cost-benefit  
18          criteria alone.

19          (b) REPORT.—The Comptroller General of the Unit-  
20          ed States shall report the results of the study described  
21          in subsection (a) to the Congress not later than December  
22          31, 1996.

1 **SEC. 605. CHILD SUPPORT DEFINITION.**

2 (a) IN GENERAL.—Section 452 (42 U.S.C. 652) is  
3 amended by adding at the end the following new sub-  
4 section:

5 “(j) For purposes of this part, the term ‘child sup-  
6 port’ includes periodic and lump sum payments for current  
7 and past due economic support, payments of premiums for  
8 health insurance for children, payments for or provision  
9 of child care, and payments for educational expenses.”.

10 (b) CONFORMING AMENDMENT.—Section 462(b) (42  
11 U.S.C. 662(b)) is amended—

12 (1) by inserting “and lump sum” after “peri-  
13 odic”, and

14 (2) by inserting “child care,” after “clothing,”.

15 **SEC. 606. AUDITS.**

16 (a) STUDY.—The Secretary of Health and Human  
17 Services shall contract for a study of the audit process  
18 of the Office of Child Support Enforcement to develop cri-  
19 teria and methodology for auditing State child support en-  
20 forcement agencies established under part D of title IV  
21 of the Social Security Act. The study shall be designed  
22 to result in improvements to the auditing process that in-  
23 clude—

24 (1) reduction in the resources required to per-  
25 form the audit,

1           (2) simplified procedures for States to follow in  
2           obtaining samples,

3           (3) the feasibility of sampling cases for needed  
4           action as opposed to the present audit methods that  
5           require sampling plans for each audit criteria, and

6           (4) a more timely audit period of review.

7 The study shall also be designed to determine a penalty  
8 process that focuses on improving the delivery of child  
9 support services and not harming families, specifically a  
10 penalty that is not tied to the reduction of funds available  
11 to the States to provide payments under the Aid to Fami-  
12 lies with Dependent Children program. Such a plan should  
13 include the escrowing of funds withheld as penalties for  
14 use by States in a federally approved program improve-  
15 ment.

16       (b) REPORT.—The Secretary of Health and Human  
17 Services shall report the results of the study described in  
18 subsection (a) to the Congress not later than 90 days after  
19 completion of the study.

20       (c) CONTINUATION OF OCSE'S AUDIT REVIEW.—  
21 From the date of the report described in subsection (b),  
22 the audit review of the Office of Child Support Enforce-  
23 ment shall be limited to cases open on such date and cases  
24 closed within 180 days before such date, unless there is  
25 a specific need for a longitudinal review of State agency

1 case handling that includes cases that have been closed  
2 for more than 180 days. The criteria for longitudinal re-  
3 views shall be established by regulation by the Secretary  
4 of Health and Human Services. The Office of Child Sup-  
5 port Enforcement shall continue to impose timeframes for  
6 implementation and audit standards for each mandated  
7 function under part D of title IV of the Social Security  
8 Act.

9 **SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION**  
10 **PROJECTS.**

11 (a) IN GENERAL.—In order to encourage States to  
12 provide a guaranteed minimum level of child support for  
13 every child not receiving such support, the Secretary of  
14 Health and Human Services (hereafter in this section re-  
15 ferred to as the “Secretary”) shall make grants to not less  
16 than 6 States to conduct demonstration projects for the  
17 purpose of establishing or improving a system of assured  
18 minimum child support payments in accordance with this  
19 section.

20 (b) CONTENTS OF APPLICATION.—An application for  
21 grants under this section shall be submitted by the Gov-  
22 ernor of a State and shall—

23 (1) contain a description of the proposed child  
24 support assurance project to be established, imple-  
25 mented, or enhanced using amounts provided under

1 this section, including the specific activities to be un-  
2 dertaken and the agencies that will be involved;

3 (2) specify whether the project will be carried  
4 out throughout the State or in limited areas of the  
5 State;

6 (3) estimate the number of children who will be  
7 eligible for assured minimum child support payments  
8 under the project, and the amounts to which such  
9 children will be entitled on average as individuals  
10 and in the aggregate;

11 (4) describe the child support guidelines and re-  
12 view procedures which are in use in the State and  
13 any expected modifications;

14 (5) contain a commitment by the State to carry  
15 out the project during a period of not less than 3  
16 fiscal years beginning with fiscal year 1996;

17 (6) specify the extent to which the State has  
18 implemented (or will implement during the duration  
19 of the project) major enforcement initiatives, such as  
20 central registries, centralized administration, auto-  
21 mated computer systems, administrative law sys-  
22 tems, universal wage withholding, updating of or-  
23 ders, access to State data bases, legal procedures for  
24 paternity establishment (including in-hospital pater-  
25 nity establishment), and enforcement tools;

1           (7) specify the current relative quality of the  
2 State enforcement system as compared to other  
3 States, including the ratio of collections to accounts  
4 receivables for the immediate past year, the ratio of  
5 collections to accounts receivables for all past years,  
6 the ratio of collections to administrative expendi-  
7 tures, and the paternity establishment rate;

8           (8) provide assurances that the State perform-  
9 ance meets or exceeds the national median paternity  
10 establishment rate (as defined in section 452(g)(2)  
11 of the Social Security Act) and provide assurances  
12 the State will continue to improve its performance in  
13 the number of cases in which—

14                   (A) paternity is established,

15                   (B) child support orders are collected, and

16                   (C) child support collections are made; and

17           (9) contain such other information as the Sec-  
18 retary may require by regulation.

19           (c) USE OF FUNDS.—A State shall use amounts pro-  
20 vided under a grant awarded under this section to carry  
21 out a child support assurance project designed to provide  
22 a minimum monthly child support benefit for each child  
23 in the State to the extent that such minimum child sup-  
24 port is not paid in a month by the noncustodial parent.

1 (d) REQUIREMENTS.—(1) A child support assurance  
2 project funded under this section shall provide that—

3 (A) the custodial parent is eligible for the as-  
4 sured child support benefit if—

5 (i) such parent establishes paternity and  
6 has a child support order established;

7 (ii) more than 1 year has passed since  
8 such parent applied, in writing to the State for  
9 the establishment of paternity and a child sup-  
10 port order and has complied with the require-  
11 ments of paragraph (3), but neither paternity  
12 nor a child support order has been established  
13 due to circumstances beyond the control of the  
14 parent; or

15 (iii) with respect to the custodial parent,  
16 the danger of physical abuse of such parent is  
17 shown;

18 (B) the assured child support benefit shall be  
19 paid promptly to the custodial parent at least once  
20 a month and shall be offset and reduced to the ex-  
21 tent that the custodial parent receives child support  
22 in a month from the noncustodial parent; and

23 (C) in the event that the family as a whole be-  
24 comes ineligible for Aid to Families With Dependent  
25 Children under part A of title IV of the Social Secu-

1        rity Act due to consideration of assured child sup-  
2        port benefits, the continuing eligibility of the care-  
3        taker for Aid to Families With Dependent Children  
4        under such title shall be calculated without consider-  
5        ation of the assured child support benefit.

6        (2) For purposes of this section, the term “child”  
7        means an individual who is of such an age, disability, or  
8        educational status as to be eligible for child support as  
9        provided by the law of the State in which such individual  
10       resides.

11       (3) The requirements of this paragraph are as fol-  
12       lows:

13                (A) Provide the name of the alleged father.

14                (B) Provide sufficient information to verify the  
15        identity of the person named, including the present  
16        address of the person, the past or present place of  
17        employment of the person, the past or present school  
18        attended by the person, the name and address of the  
19        person’s parents, friends or relatives that can pro-  
20        vide location information for the person, the tele-  
21        phone number of the person, the social security  
22        number of the person, the date of birth of the per-  
23        son, or other information that, if reasonable efforts  
24        were made by the State, could lead to identify a par-  
25        ticular person to be served with process.

1 (C) Continue to provide all other relevant infor-  
2 mation that the applicant has that may be requested  
3 by the State.

4 (D) Appear at required interviews, conference  
5 hearings or legal proceedings, if notified in advance  
6 and an illness or emergency does not prevent attend-  
7 ance.

8 (E) Submit (along with the child) to genetic  
9 tests.

10 (4) For purposes of this section, the term “cir-  
11 cumstances beyond the control of the parent” includes—

12 (A) failure of the State to make reasonable and  
13 timely efforts to locate the noncustodial parent,

14 (B) instances in which the noncustodial parent  
15 cannot be located despite the State’s reasonable ef-  
16 forts because the noncustodial parent has dis-  
17 appeared or moved out of the country,

18 (C) instances in which the noncustodial parent  
19 has been located but the State has failed to serve  
20 such parent with the legal papers,

21 (D) cases in which the State or courts have  
22 failed to complete the legal process to establish pa-  
23 ternity or set an award, and

1           (E) other cases in which the State's or court's  
2           action or inaction has resulted in the failure to es-  
3           tablish paternity or set an award.

4           (e) CONSIDERATION AND PRIORITY OF APPLICA-  
5           TIONS.—The Secretary shall consider all applications re-  
6           ceived from States desiring to conduct demonstration  
7           projects under this section and shall approve the 6 applica-  
8           tions which appear likely to contribute significantly to the  
9           achievement of the purpose of this section. In selecting  
10          States to conduct demonstration projects under this sec-  
11          tion, the Secretary shall consider geographic diversity, va-  
12          riety in types of support guideline models used, and vari-  
13          ation in population of the applicants.

14          (f) EVALUATION AND REPORTS.—(1) Each State  
15          that conducts a demonstration project under this section  
16          shall, as a part of such demonstration project, conduct an  
17          interim and a final evaluation of the effectiveness of the  
18          demonstration project and shall submit an interim and  
19          final report to the Secretary concerning the results of the  
20          evaluation and any improvements in child support enforce-  
21          ment.

22          (2) The evaluation and report submitted by a State  
23          to the Secretary shall analyze and describe (in such a  
24          manner as prescribed by the Secretary)—

1 (A) the impact of the child support assurance  
2 project on the economic and noneconomic well-being  
3 of children and adults in both custodial and  
4 noncustodial households;

5 (B) the work force participation rates of both  
6 custodial and noncustodial parents as a result of  
7 participation in the child support assurance project;

8 (C) the impact of the child support assurance  
9 project on Aid to Families With Dependent Children  
10 participation rates, grants, and funding levels;

11 (D) the impact of the child support assurance  
12 project on paternity establishment;

13 (E) a comparison of enforcement effectiveness  
14 in intrastate and interstate cases;

15 (F) administrative policies and laws of the Fed-  
16 eral Government and the State or a political subdivi-  
17 sion of the State, identified by the State as impedi-  
18 ments to the implementation of child support assur-  
19 ance;

20 (G) the measures that the State has taken to  
21 implement the project and the lessons learned there-  
22 from by the State; and

23 (H) any other relevant items as the Secretary  
24 may require.

1 (g) DURATION.—A demonstration project conducted  
2 under this section shall be commenced not later than fiscal  
3 year 1996 and shall be conducted for not less than 3 and  
4 not more than 5 consecutive fiscal years, except that the  
5 Secretary may terminate a project before the end of such  
6 period if the Secretary determines that the State conduct-  
7 ing the project is not in substantial compliance with the  
8 terms of the application approved by the Secretary under  
9 this section.

10 (h) COST SAVINGS RECOVERY.—The Secretary shall  
11 develop a methodology to identify any State cost savings  
12 realized in connection with the implementation of a child  
13 support assurance project conducted under this section.  
14 Any such savings realized as a result of the implementa-  
15 tion of a child support assurance project shall be utilized  
16 for child support enforcement improvements or expansions  
17 and improvements in the Aid to Families With Dependent  
18 Children Program conducted under part A of title IV of  
19 the Social Security Act within the participating State, and  
20 Federal expenditures for such project within the State  
21 shall be reduced in proportion to any such savings.

22 (i) EVALUATION AND REPORT TO CONGRESS.—Three  
23 and 5 years after commencement of the first State child  
24 support assurance project, the Secretary shall conduct an  
25 evaluation of each such project and submit a report to the

1 Committee on Finance and the Committee on Labor and  
2 Human Resources of the Senate, and the Committee on  
3 Ways and Means and the Committee on Economic and  
4 Educational Opportunities of the House of Representa-  
5 tives concerning the effectiveness of the child support as-  
6 surance projects funded under this section. Such report  
7 shall analyze the reports received by the Secretary under  
8 subsection (f) from each participating State and shall  
9 compare the effects of different types of child support  
10 guidelines.

11 (j) RESTRICTIONS ON MATCHING AND USE OF  
12 FUNDS.—(1) A State conducting a demonstration project  
13 under this section shall be required—

14 (A) except as provided in paragraph (2), to pro-  
15 vide not less than 15 percent of the total amounts  
16 expended in each calendar year of the project to pay  
17 the costs associated with the project funded under  
18 this section; and

19 (B) to maintain its level of expenditures for  
20 child support collection, enforcement, and payment  
21 at the same level, or at a higher level, than such ex-  
22 penditures were prior to such State's participation in  
23 a demonstration project provided by this section.

24 (2) A State participating in a demonstration project  
25 under this section may provide no less than 10 percent

1 of the total amounts expended to pay the costs associated  
2 with the project funded under this section in years after  
3 the first year such project is conducted in a State if the  
4 State meets the improvements specified in subsection  
5 (b)(6).

6 (k) TREATMENT OF CHILD SUPPORT BENEFIT.—  
7 Any assured child support benefit received by an individ-  
8 ual under this section shall be considered child support  
9 for purposes of the Internal Revenue Code of 1986.

10 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated and are appropriated  
12 such sums as may be necessary in each of the fiscal years  
13 1996, 1997, 1998, 1999, and 2000, to carry out the pur-  
14 poses of this section.

## 15 **TITLE VII—STATE ROLE**

### 16 **SEC. 701. PROHIBITION OF RESIDENCY REQUIREMENT FOR** 17 **IV-D SERVICES.**

18 Section 454 (42 U.S.C. 654), as amended by section  
19 602, is amended by striking “and” at the end of para-  
20 graph (27), by striking the period at the end of paragraph  
21 (28) and inserting “; and”, and by inserting after para-  
22 graph (28) the following new paragraph:

23 “(29) provide that an applicant may not be de-  
24 nied services under the plan solely because of the ap-  
25 plicant’s nonresidency in that State.”.

1 **SEC. 702. ADVOCATING FOR CHILDREN'S ECONOMIC SECUR-**  
2 **RITY.**

3 Section 454 (42 U.S.C. 654), as amended by section  
4 701, is amended by striking “and” at the end of para-  
5 graph (28), by striking the period at the end of paragraph  
6 (29) and inserting “; and”, and by inserting after para-  
7 graph (29) the following new paragraph:

8 “(30) provide that the State agency administer-  
9 ing the plan shall advocate to promote the greatest  
10 economic security possible for children, within the  
11 ability of the individual who owes a child support ob-  
12 ligation to pay such obligation.”.

13 **SEC. 703. DUTIES OF IV-D AGENCIES.**

14 Section 454 (42 U.S.C. 654), as amended by section  
15 702, is amended by striking “and” at the end of para-  
16 graph (29), by striking the period at the end of paragraph  
17 (30) and inserting “; and”, and by inserting after para-  
18 graph (30) the following new paragraph:

19 “(31) provide that the State agency administer-  
20 ing the plan shall provide to all custodial parents—

21 “(A) a written description of available  
22 services and a statement articulating the prior-  
23 ity of distribution and the degree of confiden-  
24 tiality of information;

25 “(B) a statement that before the agency  
26 consents to a dismissal with prejudice or a re-

1           duction of arrearages, the agency shall provide  
2           notice to the last known address at least 30  
3           days before dismissal;

4           “(C) written quarterly reports on case sta-  
5           tus;

6           “(D) a statement that services under this  
7           part are mandatory if an individual is deter-  
8           mined eligible under part A; and

9           “(E) a statement that while eligibility  
10          under part A is being determined, an applicant  
11          is eligible for services under this part and all  
12          application fees are deferred pending such de-  
13          termination.”.

14 **SEC. 704. BROADER ACCESS TO SERVICES.**

15          It is the sense of the Congress that State and local  
16          child support enforcement agencies should provide—

17               (1) offices in easily accessible locations near  
18               public transportation,

19               (2) office hours that allow parents to meet with  
20               attorneys and caseworkers without taking time off  
21               from work, and

22               (3) office environments conducive to discussion  
23               of legal and personal matters in privacy (e.g., indi-  
24               vidual interview rooms and child care facilities).

1 **SEC. 705. PROCESS FOR CHANGE OF PAYEE IN IV-D CASES.**

2 Section 466(a) (42 U.S.C. 666(a)), as amended by  
 3 section 502, is amended by inserting after paragraph (33)  
 4 the following new paragraph:

5 “(34) Procedures under which a change in  
 6 payee may not require a court hearing or order to  
 7 take effect and may be done administratively, as  
 8 long as a statement by an agency official is included  
 9 in the court or administrative file documenting the  
 10 change.”.

11 **TITLE VIII—EFFECTIVE DATE**

12 **SEC. 801. EFFECTIVE DATE.**

13 Except as otherwise provided in this Act, the amend-  
 14 ments made by this Act shall take effect on and after Jan-  
 15 uary 1, 1997.

○

HR 195 IH—2

HR 195 IH—3

HR 195 IH—4

HR 195 IH—5

HR 195 IH—6

HR 195 IH—7