


ISSUE DATE December 13, 2022	EFFECTIVE DATE Immediately	NUMBER 3170-22-01
SUBJECT Child Support Enforcement		BY:  Jonathan Rubin, Deputy Secretary Office of Children, Youth & Families

SCOPE:

President Judges
County Commissioners and Executives
County Children and Youth Administrators
County Children and Youth Advisory Committees
Chief Juvenile Probation Officers
County Domestic Relations Section Directors
Bureau of Child Support Enforcement

PURPOSE:

This bulletin provides clarification of requirements relating to child support activities in the children and youth program based on recent updates in the Child Welfare Policy Manual (CWPM), section 8.4C Title IV-E, General Title IV-E Requirements, Child support, issued by the Children’s Bureau of the Administration for Children and Families (ACF).

An update to the CWPM on June 8, 2022, and a joint letter from the ACF and the Office of Child Support Enforcement (OCSE) released on July 29, 2022, revised practices in the Social Security Act (the Act) relating to a Title IV-E agency securing an assignment of the rights to child support for children receiving Title IV-E foster care maintenance payments. ACF has clarified “where appropriate” in Section 471(a)(17) of the Act, so that the default position in these determinations can be for the Title IV-E agency not to secure an assignment of these rights. The update focused on removing Question 2 and adding Question 5 in Section 8.4C Title IV-E Requirements, Child support, of the CWPM.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: The appropriate OCYF Regional Office. Central Region (717)772-7702 | Northeast Region (570)963-4376 | Southeast Region (215)560-2249 | Western Region (412)565-5728

ORIGIN OF BULLETIN:
Bureau of Budget and Fiscal Support
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Visit the Office of Children, Youth and Families website at www.KeepKidsSafe.pa.gov

This bulletin replaces and rescinds OCYF Bulletin #3170-92-03 regarding Coordination of Child Support Collections Between County Children and Youth Agencies and County Domestic Relations Sections. Additionally, this bulletin incorporates and replaces OCYF Policy Clarification #3170-21-02 regarding the collection of child support payments once a permanent legal custodianship has been established.

BACKGROUND:

There are noted differences between the general requirements that county agencies seek child support for all children in out-of-home placement and the requirement that such children who are Title IV-E eligible be referred to the Domestic Relations Section (DRS) for assignment of support benefits.

The first difference is that children in placement must be specifically identified by their Title IV-E eligibility in the referral to the DRS. Such identification must include the child's master client index (MCI) number which was issued for the child as a result of the Title IV-E eligibility determination. This number is necessary to meet state and federal accounting and reporting requirements. The child's Title IV-E eligibility status and MCI number may not be known at the time of placement and initial referral to the DRS but must be provided when known.

The second difference is that counties are required to refer cases to the DRS, *where appropriate*, of children who have been placed in foster care or a residential childcare facility and for whom a duty of support may be owed to conduct an assessment of child support benefits. Recent guidance from ACF communicates that only cases that have been thoroughly reviewed to ensure the assessment will not disrupt the reunification process should be referred to the DRS to continue their current practice of processing appropriate cases. This applies to the placement of alleged or adjudicated dependent and delinquent children, whether the placement is via voluntary agreement or court order.

In the appropriate cases, referrals to the DRS must be made at the time of placement and Title IV-E eligibility status provided when known. Revenues generated from child support payments must be treated as program income by counties when claiming state and federal reimbursement for program costs.

The legal basis for these requirements is as follows:

- Public Welfare Code (62 P. S. §704.2(a));
- Children and Youth Regulations (55 Pa. Code §3170.31);
- Child Welfare Policy Manual Section 8.4C Title IV-E, General Title IV-E Requirements, Child support; and
- Social Security Act (42 U.S.C. §671(a)(17)).

DISCUSSION:

Parent(s) are typically required to engage in a variety of efforts and services to be successfully reunited with their child. This may include family visitation time, therapy, parenting courses, and/or treatment for a substance use disorder. It's likely that reducing the income of the child's parent(s), by entering an order of support assigned to the agency, could reduce the income available to fund these efforts and impede their ability to engage in reunification efforts, potentially extending the time the child spends in foster care.

According to research provided by ACF, securing an assignment of the rights to child support is generally deemed not to be cost effective as analyses have shown that very low levels of collections are obtained, particularly in comparison to the costs for administering child support for children in Title IV-E foster care. (See References.) Given this, previous policy directing Title IV-E agencies to determine "*where appropriate*" on a case-by-case basis is withdrawn.

Consequently, while each county agency may determine what constitutes "*where appropriate*," agencies should consider across-the-board policies. These policies may reflect that an assignment of the rights to child support for children in Title IV-E foster care is not required except in rare instances where:

- There will be positive or no adverse effects on the child,
- The assignment will not go against the best interests of the child, and
- The assignment will not disrupt the reunification process of the child's permanency plan.

Where a child support referral has been made for any child in placement, counties shall develop a procedure to incorporate a reassessment on whether the pursuit of child support should continue during their periodic review of the child's permanency plan. During these reviews, the county agency may choose to continue or terminate the child support assignment.

Child Support Determinations for Title IV-E Eligible Children

Children receiving Title IV-E foster care maintenance payments have been removed from households where the family would have qualified for Aid to Families for Dependent Children (AFDC) under a state's income eligibility limits using the Income Calculation Worksheet (See Attachment I). This means that parent(s) of these children are likely to be living in poverty. It is almost never the case that securing an assignment of the rights to child support is in the best interests of a child when the removal household's income meets the state's AFDC income eligibility limits.

Child Support Determinations for Non-Title IV-E Eligible Children

While Title IV-E policies may apply to a large population of children in care, there may be cases where the family does not meet the specified income level, or other requirements needed to be eligible for federal assistance. For non-Title IV-E eligible cases, the county agency should continue to consider best practices that align with reunification efforts and are in the best interest of the child.

For example, counties might consider policies reflecting that securing an assignment of the rights to child support is not appropriate unless the parent(s)' income is above a specified income level. Further, as noted in the Discussion section above, financial eligibility may not be the only consideration in determining if it is appropriate to pursue child support.

County Protocols

The Department requests that counties update their working protocol between the county agency and their respective DRSs (see OCYF #3170-92-03). The county agency should work with their local DRS to establish protocols regarding the collection of child support, specifically regarding the development of parameters for initiating a referral to DRS (see Attachment II). The format and content of the protocol shall be determined by the county, in writing, and include the following:

1. Procedures for referral and feedback;
2. Procedures for informing the DRS of whether or not the child is Title IV-E eligible;
3. For Title IV-E eligible children:
 - a. A procedure for documenting Title IV-E eligibility for the DRS including a copy of Form CY-61 completed by the county assistance office for each child; and
 - b. A procedure for informing the DRS of the child's MCI number issued for the child as a result of the Title IV-E eligibility determination.

NOTE: This is the MCI number issued for the child after placement.

4. Where a child support referral has been made, a procedure to incorporate a reassessment on whether the pursuit of child support should continue during their periodic review of the child's permanency plan. During these reviews, the county may choose to continue or terminate the child support assignment;
5. Procedures to remit child support arrears assigned to the county. As the agency that has been assigned support rights, the county managing the case has the authority to determine they no longer want the DRS to pursue collection and they may remit the arrears; and,
6. Procedures to close child support cases.

Send copies of completed protocols to the Office of Children, Youth and Families' Fiscal Policy Unit Resource Account (RA-PWOCYFFiscalPolic@pa.gov) within six months from the issuance of this bulletin. Reviewed copies of county protocols will be sent out to the appropriate regional offices, and counties will receive further outreach if the Department has not received these protocols.

Other Information and Considerations

In OCYF Policy Clarification 3170-21-02, the issue of whether or not both a permanent legal custodian and a county agency can collect child support payments for the same child/youth once Permanent Legal Custodianship (PLC) or Subsidized Permanent Legal Custodianship (SPLC) has been established and the parental rights have not been terminated was discussed.

In situations where a child or youth under the care and responsibility of the county agency achieves permanency through a PLC or a SPLC, the county agency must close any open charging orders through DRS effective the date permanency is achieved; i.e., the ongoing collection of child support must cease. County agencies may continue to collect arrears that accrued prior to permanency being achieved. The county agency shall not reduce the SPLC subsidy, if applicable, by the amount of child support the permanent legal custodian receives without their concurrence.

REFERENCES:

The update to the CWPM referenced within this bulletin was based on case studies and extended research listed below.

Orange County Department of Child Support Services. (Second Edition, July 2020). Child Support and Foster Care Special Study. (<https://www.css.ocgov.com/sites/css/files/import/data/files/116568.pdf>.)

Skophammer, Trish. (2017). Child Support Collections to Offset Out of Home Placement Costs: A Study of Cost Effectiveness. Dissertation for the Graduate School of Hamline University. (https://digitalcommons.hamline.edu/hsb_all/16.)

Washington Department of Social and Health Services, Economic Services Administration, Division of Child Support. (2019). Washington's Cost Effectiveness for Foster Care Child Support Cases. (<https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/Cost%20Effectiveness%20FC%20collections%20FINAL.pdf>)

TITLE IV-E PLACEMENT MAINTENANCE		
INCOME CALCULATION WORKSHEET FOR INITIAL IV-E ELIGIBILITY		
Child's Name:	County Code: (2 digits)	Record number:
Enter AFDC Relatedness Determination Month/Year From CY-61 Section 1:		
IF THE CHILD IS RECEIVING SSI, THEN HE OR SHE MEETS THE FINANCIAL NEED FOR TITLE IV-E. PROCEED TO CY-61. COMPLETE SECTION IX. IF THE CHILD IS NOT RECEIVING SSI, PROCEED TO THE GROSS INCOME ELIGIBILITY TEST.		
GROSS INCOME ELIGIBILITY TEST (Part 1)		
(185% OF STANDARD OF NEED)		
1. Gross monthly earned income (do not include child's if they are a full-time student)	1.	
2. Deemed step-parent income (from line u below)	2.	\$0.00
3. Monthly child support income (reduce by first \$50)	3.	
4. Other monthly unearned income (exclude exempt income such as SSI)	4.	
5. Countable income: Sum of lines 1 through 4	5.	\$0.00
6. Number in Budget Group (exclude household member receiving SSI, the step-parent, and his/her children)	6.	
7. 185% Standard of Need for Budget Group size on line 6 (must enter county code above)	7.	\$0.00
Is the amount on line 7 greater than the amount on line 5? YES, Proceed to the NET INCOME ELIGIBILITY TEST (Part 2).		
NET INCOME ELIGIBILITY TEST (Part 2)		
(100% OF STANDARD OF NEED)		
a. Gross monthly earned income (Pulled from line 1 above.)	a.	\$0.00
b. Work-related expenses (\$90 for each working biological/adoptive parent)	b.	
c. Subtract line b from line a (minimum = \$0)	c.	\$.00
d. Child care cost (report only if proof exists that child care costs were paid)*	d.	
e. Subtract line d from line c (minimum = \$0) and enter on this line.	e.	\$0.00
f. Deemed step-parent income (from line u below)	f.	\$0.00
g. Monthly child support income (from line 3 above)	g.	\$0.00
h. Other monthly unearned income (from line 4 above)	h.	\$0.00
i. Countable income: Sum of lines e through h	i.	\$0.00
j. Number in Budget Group (from line 6 above)	j.	0
k. 100% Standard of Need for Assistance Unit size on line j.	k.	\$0.00
* Child care cost: Subtract actual cost up to a maximum of \$150 for each child over age 2 and parent works part-time; \$175 for each child over age 2 and parent works full-time; or \$200 for each child under age 2 and parent works either full or part-time.		
Is amount on line k greater than amount on line i? YES, the child meets Financial Need.		
DEEMING INCOME		
<i>Complete only if there is a step-parent with income.</i>		
l. Number in Budget Group (step-parent and his/her children, not children-in-common)	l.	
m. Gross monthly earned income of step-parent	m.	
n. \$90 Work-related expense (if step-parent is working)	n.	
o. Subtract line n from line m (minimum = \$0) and enter on this line.	o.	\$0.00
p. Monthly unearned income (Unemployment, VA Benefits, SSA, etc.)	p.	
q. Add line o and line p, and enter on this line.	q.	\$0.00
r. 100 % Standard of Need for Budget Group size on line l	r.	\$0.00
s. Subtract line r from line q and enter on this line (minimum = \$0).	s.	\$0.00
t. Child support/alimony paid by step-parent	t.	
u. Subtract line t from line s = TOTAL DEEMED INCOME	u.	\$0.00

Person Completing the Form

Date



Cash Assistance Handbook

GROSS INCOME ELIGIBILITY LIMITS (185% OF STANDARD OF NEED)

Group 1	Number of Persons in Budget Group						each additional person
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
	579	890	1,136	1,386	1,637	1,852	224

Bucks Chester Lancaster Montgomery Pike

Group 2	Number of Persons in Budget Group						each additional person
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
	551	853	1,086	1,339	1,589	1,806	224

Adams	Centre	Erie	Monroe	Union
Allaigheny	Columbia	Lackawanna	Montour	Warren
Berks	Crawford	Lebanon	Northampton	Wayne
Blair	Cumberland	Lehigh	Philadelphia	Westmoreland
Bradford	Dauphin	Luzerne	Sullivan	Wyoming
Butler	Delaware	Lycoming	Susquehanna	York

Group 3	Number of Persons in Budget Group						each additional person
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
	525	821	1,060	1,291	1,534	1,745	224

Beaver	Elk	Lawrence	Mifflin	Snyder
Cameron	Franklin	McKean	Parry	Tioga
Carbon	Indiana	Mercer	Potter	Venango
Clinton				Washington

Group 4	Number of Persons in Budget Group						each additional person
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
	468	751	984	1,225	1,463	1,654	224

Armstrong	Clarion	Forest	Huntingdon	Northumberland
Bedford	Clearfield	Fulton	Jefferson	Schuylkill
Cambria	Fayette	Greene	Juniata	Somerset



Cash Assistance Handbook

STANDARD OF NEED

Group 1	Number of Persons in Budget Group						each additional person
	1	2	3	4	5	6	
	313	481	614	749	886	1001	121

Bucks Chester Lancaster Montgomery Pike

Group 2	Number of Persons in Budget Group						each additional person
	1	2	3	4	5	6	
	298	461	587	724	859	976	121

Adams Centre Erie Monroe Union
 Allegheny Columbia Lackawanna Montour Warren
 Berks Crawford Lebanon Northampton Wayne
 Blair Cumberland Lehigh Philadelphia Westmoreland
 Bradford Dauphin Luzerne Sullivan Wyoming
 Butler Delaware Lycoming Susquehanna York

Group 3	Number of Persons in Budget Group						each additional person
	1	2	3	4	5	6	
	284	444	573	698	829	943	121

Beaver Elk Lawrence Mifflin Snyder
 Cameron Franklin McKean Perry Tioga
 Carbon Indiana Mercer Potter Venango
 Clinton Washington

Group 4	Number of Persons in Budget Group						each additional person
	1	2	3	4	5	6	
	253	406	532	662	791	894	121

Armstrong Clarion Forest Huntingdon Northumberland
 Bedford Clearfield Fulton Jefferson Schuylkill
 Cambria Fayette Greene Juniata Somerset

NOTE: WHEN DETERMINING THE STANDARD OF NEED FOR AN INDIVIDUAL BUDGET GROUP, ADD TO THE FIGURE ABOVE SPECIAL NEED ALLOWANCES OF THE BUDGET GROUP.

Assessment Tool for Child Support Referral

The county agency should work with their local DRS to establish protocols regarding the collection of child support, specifically regarding the development of parameters for initiating a referral to the DRS. Each county agency may determine what constitutes as “where appropriate” for the referral of child support and these parameters shall be determined by the county, in writing.

The following tool is a suggestion for what the parameters may contain and may be adjusted for county specifics.

Q1. (Applies to fathers only.) Is paternity established?

No – **STOP**. Refer case to DRS.

Yes – continue to question 2.

Q2. Is the parent receiving cash assistance (TANF) benefits?

No – continue to question 3.

Yes – **STOP**. Do NOT refer case to DRS.

Q3. Is the parent’s income below the Self-Support Reserve (SSR)? (The intent of the rules relating to low-income cases is to ensure that the parent is left with sufficient income to meet basic personal needs. Currently the minimum amount of income, or SSR, is \$1063 per month. The SSR could change every four years when child support guidelines are reviewed and updated.)

No – continue to question 4.

Yes – **STOP**. Do NOT refer case to DRS.

Q4. Is the parent unable to work?

No – **STOP**. Refer case to DRS.

Yes – **STOP**. Do NOT refer case to DRS.