

The IV-D Program: (Almost) Everything You Wanted to Know But Were Afraid to Ask

John L. Saxon
School of Government, UNC-Chapel Hill
District Court Judges Special Topic Seminar
April 11, 2008

What Is IV-D?

- † Government program
- † Created by federal law
 - † Funded primarily by federal government
- † Administered by state & local agencies
- † Provides child support services
 - † Children receiving TANF (AFDC), IV-E, Medicaid
 - † Children not receiving public assistance
- † Commonly known as "IV-D" or "CSE"

Federal IV-D Law

Title IV-D of the Social Security Act

- † 42 U.S.C. §§ 651-669b
 - † DHHS regulations: 45 CFR 301-310
- † Enacted in 1975
 - † Child Support Enforcement Amendments of 1984
 - † Family Support Act of 1988
 - † OBRA 1993
 - † PRWORA 1996
 - † Child Support Performance & Incentives Act of 1998

Federal IV-D Requirements

State IV-D Plan (42 USC § 654)

† Apply *primarily* to state IV-D agencies

Required state laws (42 USC § 666)

† Improve effectiveness

† Most apply to *all* cases: IV-D & non-IV-D

† Increased “federalization” & uniformity

† NC child support law “driven” by federal IV-D law

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Federal IV-D Requirements (I)

IV-D administration & organization

Use of IV-D funding

Child support guidelines

Central case registry

Central collection & distribution unit

New hire directory

UIFSA

Income withholding

Liens for delinquent support

License revocation

No retroactive modification of vested arrearages

Review & adjustment

Genetic paternity testing

Voluntary paternity acknowledgement

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Federal IV-D Requirements (II)

Allow paternity establishment until 18

Compliance bonds

Credit reporting

Financial institution data match

Garnishment of bank accounts

Garnishment of state tax refunds

Use of SSNs

Medical support & health insurance

Administrative subpoenas

Fraudulent transfers

No jury on paternity

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Federal IV-D "Mandates"

Federal IV-D requirements

- † "Strings" attached to federal \$\$\$
 - † NC may refuse federal funding
 - † NC must comply if it accepts federal funding
- † Federal IV-D "mandates" are constitutional
 - † Kansas v. U.S. (10th Cir. 2000)
- † Usually *not* enforceable under 42 USC § 1983
 - † Blessing v. Freestone (US Sup. Ct. 1997)

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State IV-D Law

GS 110-128 *et seq.*

- † Implements federal IV-D requirements
 - † GS 110-140: *not* intended to conflict with federal law
- GS 50-13.4 *et seq.* (and other state statutes)
 - † Applies to IV-D & non-IV-D cases
 - † Unless inconsistent with GS 110-128 *et seq.*
 - † Wake County *ex rel.* Horton v. Ryles (1993)

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Federal Oversight & Enforcement

State IV-D Plan

- † Certifies state compliance
 - † Approved by US DHHS
- † Annual statistical & financial reports
 - † Federal data reliability reviews every 3 yrs.
- † Annual self-assessment by state IV-D agency
 - † Reviewed by US DHHS
 - † Federal audit *if* substantial noncompliance evident

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IV-D Cost & Funding

Total IV-D expenditures

- † \$128.7 million (2005-06)
 - † Federal: 70%
 - † State & county: 30%
- † Federal IV-D \$\$\$ may *not* be used for cost of
 - † Incarcerating obligor
 - † Providing court-appointed counsel for obligors
 - † Providing GAL for children
 - † Services for non-IV-D cases
 - † Judges who hear IV-D cases

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IV-D Fees

Application fee (one-time)

- † \$25
 - † \$10 if family income < FPL
 - † No fee if child is receiving TANF or IV-E
 - † No fee if case "converted" from PA to NPA or FPA
- † Fee *may* be paid by state or local government
 - † Fee *cannot* be waived

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IV-D Agencies

State

- † DHHS Div. of Social Services
 - † Central Office (Raleigh)
 - † Policy & Training
 - † Interstate Unit
 - † Collection & Distribution
 - † Call Center
- † Regional IV-D Offices
 - † Seventeen (17) offices
 - † Thirty-one (30) counties

County

- † Seventy (70) IV-D offices
 - † Designated by county comm'rs
- † County DSS
- † County CSE
- † County attorney
- † Private contractor

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IV-D Clients

Current assistance

- † Child currently receiving TANF or IV-E
- † No application required

Former assistance

- † Child formerly receiving TANF or IV-E
- † No application required

Never assistance

- † Child has never received TANF or IV-E
- † Application required

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NC IV-D Caseload

Total number of cases

† 410,399 (2005-06)

Currently on assistance

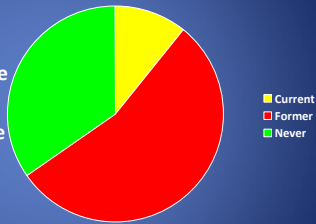
† 44,508 (10%)

Formerly on assistance

† 223,701 (55%)

Never on assistance

† 142,190 (35%)



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IV-D Services (I)

- † Locating absent parents
- † Establishing paternity
- † Establishing child support orders
- † Enforcing child support orders
- † Reviewing & modifying child support orders
- † Collecting & distributing child support payments

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IV-D Services (II)

- ✦ Medical support
- ✦ Enforcing & collecting spousal support
 - ✦ If collecting child support
- ✦ May *not* establish spousal support order
- ✦ May *not* establish or enforce custody order
- ✦ May *not* collect public assistance debt
 - ✦ *Except* through assignment of child support

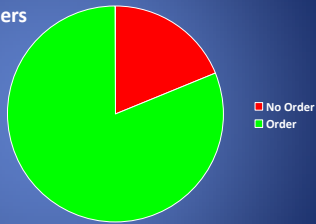
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NC IV-D Orders

- New child support orders
 - ✦ 39,700 (2005-06)
- New paternities
 - ✦ 28,290 (2005-06)
- Cases with orders
 - ✦ 332,631 (80%)
- Cases without orders
 - ✦ 77,768 (20%)



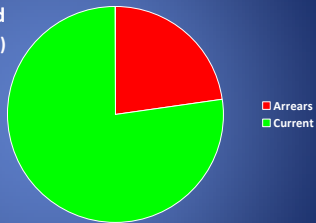
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NC IV-D Collections

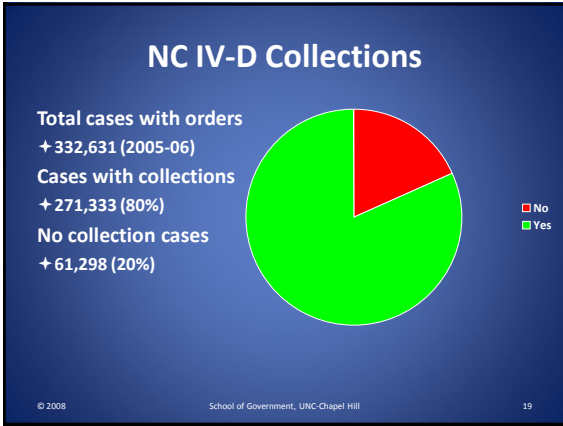
- Total support collected
 - ✦ \$591.6 million (2005-06)
- Current support
 - ✦ \$487.2 million
- Arrearages collected
 - ✦ \$142.6 million

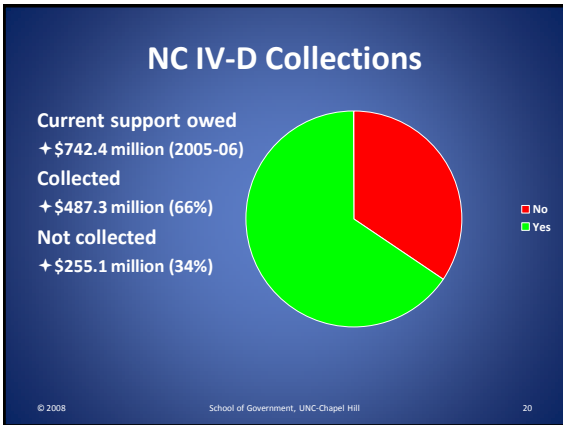


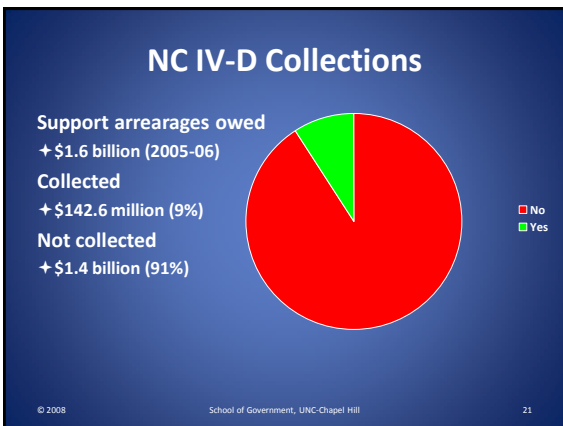
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Legal Issues in IV-D Cases

- Parties
- Discovery
- Converting clerk's cases to IV-D
- Priority of child support claims
- Allocating payments among multiple families
- Erroneous distribution of payments
- Child custody & visitation
- Public assistance debt
- Health insurance

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