

**Editorial Notes**

## AMENDMENTS

1996—Pub. L. 104-193, §395(d)(1)(A), substituted “non-custodial” for “absent” in two places.

Pub. L. 104-193, §108(c)(1), substituted “assistance under a State program funded under part A” for “aid under part A”.

1984—Pub. L. 98-378 substituted “obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested,” for “and obtaining child and spousal support,”.

1981—Pub. L. 97-35 substituted “children and the spouse (or former spouse) with whom such children are living” for “children” and “child and spousal support” for “child support”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 108(c)(1) of Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of this title.

For effective date of amendment by section 395(d)(1)(A) of Pub. L. 104-193, see section 395(a)-(c) of Pub. L. 104-193, set out as a note under section 654 of this title.

## EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-35, title XXIII, §2336, Aug. 13, 1981, 95 Stat. 864, provided that:

“(a) Except as otherwise specifically provided in the preceding sections of this chapter [sections 2331-2335 of Pub. L. 97-35] or in subsection (b), the provisions of this chapter and the amendments and repeals made by this chapter [amending this section, sections 652, 653, 654, 657, and 664 of this title, and sections 6305 and 6402 of Title 26, Internal Revenue Code] shall become effective on October 1, 1981.

“(b) If a State agency administering a plan approved under part D of title IV of the Social Security Act [42 U.S.C. 651 et seq.] demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of an amendment made by this chapter to which the effective date specified in subsection (a) applies, the Secretary may prescribe that, in the case of such State, the amendment will become effective beginning with the first month beginning after the close of the first session of such State’s legislature ending on or after October 1, 1981. For purposes of the preceding sentence, the term ‘session of a State’s legislature’ includes any regular, special, budget, or other session of a State legislature.”

## EFFECTIVE DATE

Pub. L. 93-647, §101(f), Jan. 4, 1975, 88 Stat. 2361, as amended by Pub. L. 94-46, §2, June 30, 1975, 89 Stat. 245, provided that: “The amendments made by this section [enacting this part and section 6305 of Title 26, Internal Revenue Code, amending sections 602, 603, 604, 606, and 1306 of this title, repealing section 610 of this title, and enacting provisions set out as notes under this section and section 602 of this title] shall become effective on August 1, 1975, except that section 459 of the Social Security Act [42 U.S.C. 659], as added by subsection (a) of this section shall become effective on January 1, 1975, and subsection (e) of this section [enacting provisions set out as a note under this section] shall become effec-

tive upon the date of the enactment of this Act [Jan. 4, 1975].”

## SHORT TITLE

This part is popularly known as the “Child Support Enforcement Act”.

## STUDY ON EFFECTIVENESS OF ENFORCEMENT OF MEDICAL SUPPORT BY STATE AGENCIES

Pub. L. 105-200, title IV, §401(a), July 16, 1998, 112 Stat. 659, directed the Secretary of Health and Human Services and the Secretary of Labor to jointly establish a Medical Child Support Working Group for the purpose of identifying impediments to the effective enforcement of medical support by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), required the Working Group to submit to the Secretaries a report containing recommendations not later than 18 months after July 16, 1998, required the Secretaries to submit a report to each House of the Congress regarding the recommendations not later than 2 months after receipt of report from the Working Group, and provided for the termination of the Working Group 30 days after the date of the issuance of its report.

## PROMULGATION OF NATIONAL MEDICAL SUPPORT NOTICE

Pub. L. 105-200, title IV, §401(b), July 16, 1998, 112 Stat. 660, directed the Secretary of Health and Human Services and the Secretary of Labor to jointly develop and promulgate by regulation a National Medical Support Notice, to be issued by States as a means of enforcing the health care coverage provisions in a child support order; required interim regulations to be issued not later than 10 months after July 16, 1998 (such regulations were issued on Nov. 15, 1999; see 64 F.R. 62054); and required final regulations to be issued not later than 1 year after the issuance of the interim regulations (such regulations were issued on Dec. 27, 2000; see 65 F.R. 82128).

## AUTHORIZATION OF APPROPRIATIONS

Pub. L. 93-647, §101(e), Jan. 4, 1975, 88 Stat. 2361, provided that: “There are authorized to be appropriated to the Secretary of Health, Education, and Welfare [now Health and Human Services] such sums as may be necessary to plan and prepare for the implementation of the program established by this section [enacting this part and section 6305 of Title 26, Internal Revenue Code].”

**§ 652. Duties of Secretary****(a) Establishment of separate organizational unit; duties**

The Secretary shall establish, within the Department of Health and Human Services a separate organizational unit, under the direction of a designee of the Secretary, who shall report directly to the Secretary and who shall—

(1) establish such standards for State programs for locating noncustodial parents, establishing paternity, and obtaining child support and support for the spouse (or former spouse) with whom the noncustodial parent’s child is living as he determines to be necessary to assure that such programs will be effective;

(2) establish minimum organizational and staffing requirements for State units engaged in carrying out such programs under plans approved under this part;

(3) review and approve State plans for such programs;

(4)(A) review data and calculations transmitted by State agencies pursuant to section

654(15)(B) of this title on State program accomplishments with respect to performance indicators for purposes of subsection (g) of this section and section 658a of this title;

(B) review annual reports submitted pursuant to section 654(15)(A) of this title and, as appropriate, provide to the State comments, recommendations for additional or alternative corrective actions, and technical assistance; and

(C) conduct audits, in accordance with the Government auditing standards of the Comptroller General of the United States—

(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet the requirements of this part concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data and the accuracy of the reporting systems used in calculating performance indicators under subsection (g) of this section and section 658a of this title;

(ii) of the adequacy of financial management of the State program operated under the State plan approved under this part, including assessments of—

(I) whether Federal and other funds made available to carry out the State program are being appropriately expended, and are properly and fully accounted for; and

(II) whether collections and disbursements of support payments are carried out correctly and are fully accounted for; and

(iii) for such other purposes as the Secretary may find necessary;

(5) assist States in establishing adequate reporting procedures and maintain records of the operations of programs established pursuant to this part in each State, and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes) to be applied in following such procedures;

(6) maintain records of all amounts collected and disbursed under programs established pursuant to the provisions of this part and of the costs incurred in collecting such amounts;

(7) provide technical assistance to the States to help them establish effective systems for collecting child and spousal support and establishing paternity, and specify the minimum requirements of an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security number of each parent and, after consultation with the States, other common elements as determined by such designee;

(8) receive applications from States for permission to utilize the courts of the United States to enforce court orders for support against noncustodial parents and, upon a finding that (A) another State has not undertaken to enforce the court order of the originating State against the noncustodial parent within a

reasonable time, and (B) that utilization of the Federal courts is the only reasonable method of enforcing such order, approve such applications;

(9) operate the Federal Parent Locator Service established by section 653 of this title;

(10) not later than three months after the end of each fiscal year, beginning with the year 1977, submit to the Congress a full and complete report on all activities undertaken pursuant to the provisions of this part, which report shall include, but not be limited to, the following:

(A) total program costs and collections set forth in sufficient detail to show the cost to the States and the Federal Government, the distribution of collections to families, State and local governmental units, and the Federal Government; and an identification of the financial impact of the provisions of this part, including—

(i) the total amount of child support payments collected as a result of services furnished during the fiscal year to individuals receiving services under this part;

(ii) the cost to the States and to the Federal Government of so furnishing the services; and

(iii) the number of cases involving families—

(I) who became ineligible for assistance under State programs funded under part A during a month in the fiscal year; and

(II) with respect to whom a child support payment was received in the month;

(B) costs and staff associated with the Office of Child Support Enforcement;

(C) the following data, separately stated for cases where the child is receiving assistance under a State program funded under part A (or foster care maintenance payments under part E), or formerly received such assistance or payments and the State is continuing to collect support assigned to it pursuant to section 608(a)(3) of this title or under section 671(a)(17) or 1396k of this title, and for all other cases under this part:

(i) the total number of cases in which a support obligation has been established in the fiscal year for which the report is submitted;

(ii) the total number of cases in which a support obligation has been established;

(iii) the number of cases in which support was collected during the fiscal year;

(iv) the total amount of support collected during such fiscal year and distributed as current support;

(v) the total amount of support collected during such fiscal year and distributed as arrearages;

(vi) the total amount of support due and unpaid for all fiscal years; and

(vii) the number of child support cases filed in each State in such fiscal year, and the amount of the collections made in each State in such fiscal year, on behalf of children residing in another State or against parents residing in another State;

(D) the status of all State plans under this part as of the end of the fiscal year last end-

ing before the report is submitted, together with an explanation of any problems which are delaying or preventing approval of State plans under this part;

(E) data, by State, on the use of the Federal Parent Locator Service, and the number of locate requests submitted without the noncustodial parent's social security account number;

(F) the number of cases, by State, in which an applicant for or recipient of assistance under a State program funded under part A has refused to cooperate in identifying and locating the noncustodial parent and the number of cases in which refusal so to cooperate is based on good cause (as determined by the State);

(G) data, by State, on use of the Internal Revenue Service for collections, the number of court orders on which collections were made, the number of paternity determinations made and the number of parents located, in sufficient detail to show the cost and benefits to the States and to the Federal Government;

(H) the major problems encountered which have delayed or prevented implementation of the provisions of this part during the fiscal year last ending prior to the submission of such report; and

(I) compliance, by State, with the standards established pursuant to subsections (h) and (i); and

(1) not later than October 1, 1996, after consulting with the State directors of programs under this part, promulgate forms to be used by States in interstate cases for—

(A) collection of child support through income withholding;

(B) imposition of liens; and

(C) administrative subpoenas.

**(b) Certification of child support obligations to Secretary of the Treasury for collection**

The Secretary shall, upon the request of any State having in effect a State plan approved under this part, certify to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1986 the amount of any child support obligation (including any support obligation with respect to the parent who is living with the child and receiving assistance under the State program funded under part A) which is assigned to such State or is undertaken to be collected by such State pursuant to section 654(4) of this title. No amount may be certified for collection under this subsection except the amount of the delinquency under a court or administrative order for support and upon a showing by the State that such State has made diligent and reasonable efforts to collect such amounts utilizing its own collection mechanisms, and upon an agreement that the State will reimburse the Secretary of the Treasury for any costs involved in making the collection. All reimbursements shall be credited to the appropriation accounts which bore all or part of the costs involved in making the collections. The Secretary after consultation with the Secretary of the Treasury may, by regulation, establish criteria for accept-

ing amounts for collection and for making certification under this subsection including imposing such limitations on the frequency of making such certifications under this subsection.

**(c) Payment of child support collections to States**

The Secretary of the Treasury shall from time to time pay to each State for distribution in accordance with the provisions of section 657 of this title the amount of each collection made on behalf of such State pursuant to subsection (b).

**(d) Child support management information system**

(1) Except as provided in paragraph (3), the Secretary shall not approve the initial and annually updated advance automated data processing planning document, referred to in section 654(16) of this title, unless he finds that such document, when implemented, will generally carry out the objectives of the management system referred to in such subsection, and such document—

(A) provides for the conduct of, and reflects the results of, requirements analysis studies, which include consideration of the program mission, functions, organization, services, constraints, and current support, of, in, or relating to, such system,

(B) contains a description of the proposed management system referred to in section 654(16) of this title, including a description of information flows, input data, and output reports and uses,

(C) sets forth the security and interface requirements to be employed in such management system,

(D) describes the projected resource requirements for staff and other needs, and the resources available or expected to be available to meet such requirements,

(E) contains an implementation plan and backup procedures to handle possible failures,

(F) contains a summary of proposed improvement of such management system in terms of qualitative and quantitative benefits, and

(G) provides such other information as the Secretary determines under regulation is necessary.

(2)(A) The Secretary shall through the separate organizational unit established pursuant to subsection (a), on a continuing basis, review, assess, and inspect the planning, design, and operation of, management information systems referred to in section 654(16) of this title, with a view to determining whether, and to what extent, such systems meet and continue to meet requirements imposed under paragraph (1) and the conditions specified under section 654(16) of this title.

(B) If the Secretary finds with respect to any statewide management information system referred to in section 654(16) of this title that there is a failure substantially to comply with criteria, requirements, and other undertakings, prescribed by the advance automated data processing planning document theretofore approved by the Secretary with respect to such system, then the Secretary shall suspend his approval of such document until there is no longer any such

failure of such system to comply with such criteria, requirements, and other undertakings so prescribed.

(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 654(16) of this title, and shall waive the single statewide system requirement under sections 654(16) and 654a of this title, with respect to a State if—

(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

(i) for purposes of section 609(a)(8) of this title, to achieve the paternity establishment percentages (as defined in subsection (g)(2)) and other performance measures that may be established by the Secretary;

(ii) to submit data under section 654(15)(B) of this title that is complete and reliable;

(iii) to substantially comply with the requirements of this part; and

(iv) in the case of a request to waive the single statewide system requirement, to—

(I) meet all functional requirements of sections 654(16) and 654a of this title;

(II) ensure that calculation of distributions meets the requirements of section 657 of this title and accounts for distributions to children in different families or in different States or sub-State jurisdictions, and for distributions to other States;

(III) ensure that there is only one point of contact in the State which provides seamless case processing for all interstate case processing and coordinated, automated intrastate case management;

(IV) ensure that standardized data elements, forms, and definitions are used throughout the State;

(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement; and

(VI) process child support cases as quickly, efficiently, and effectively as such cases would be processed through a single statewide system that meets such requirement;

(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1315(c) of this title; or

(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and

(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating and maintaining the system for 5 years, and the Secretary has agreed with the estimates.

**(e) Technical assistance to States**

The Secretary shall provide such technical assistance to States as he determines necessary to

assist States to plan, design, develop, or install and provide for the security of, the management information systems referred to in section 654(16) of this title.

**(f) Regulations**

The Secretary shall issue regulations to require that State agencies administering the child support enforcement program under this part enforce medical support included as part of a child support order whenever health care coverage is available to the noncustodial parent at a reasonable cost. A State agency administering the program under this part may enforce medical support against a custodial parent if health care coverage is available to the custodial parent at a reasonable cost, notwithstanding any other provision of this part. Such regulation shall also provide for improved information exchange between such State agencies and the State agencies administering the State medicaid programs under subchapter XIX with respect to the availability of health insurance coverage. For purposes of this part, the term "medical support" may include health care coverage, such as coverage under a health insurance plan (including payment of costs of premiums, copayments, and deductibles) and payment for medical expenses incurred on behalf of a child.

**(g) Performance standards for State paternity establishment programs**

(1) A State's program under this part shall be found, for purposes of section 609(a)(8) of this title, not to have complied substantially with the requirements of this part unless, for any fiscal year beginning on or after October 1, 1994, its paternity establishment percentage for such fiscal year is based on reliable data and (rounded to the nearest whole percentage point) equals or exceeds—

(A) 90 percent;

(B) for a State with a paternity establishment percentage of not less than 75 percent but less than 90 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 2 percentage points;

(C) for a State with a paternity establishment percentage of not less than 50 percent but less than 75 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 3 percentage points;

(D) for a State with a paternity establishment percentage of not less than 45 percent but less than 50 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 4 percentage points;

(E) for a State with a paternity establishment percentage of not less than 40 percent but less than 45 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 5 percentage points; or

(F) for a State with a paternity establishment percentage of less than 40 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 6 percentage points.

In determining compliance under this section, a State may use as its paternity establishment

percentage either the State's IV-D paternity establishment percentage (as defined in paragraph (2)(A)) or the State's statewide paternity establishment percentage (as defined in paragraph (2)(B)).

(2) For purposes of this section—

(A) the term "IV-D paternity establishment percentage" means, with respect to a State for a fiscal year, the ratio (expressed as a percentage) that the total number of children—

(i) who have been born out of wedlock,

(ii)(I) except as provided in the last sentence of this paragraph, with respect to whom assistance is being provided under the State program funded under part A in the fiscal year or, at the option of the State, as of the end of such year, or (II) with respect to whom services are being provided under the State's plan approved under this part in the fiscal year or, at the option of the State, as of the end of such year pursuant to an application submitted under section 654(4)(A)(ii) of this title, and

(iii) the paternity of whom has been established or acknowledged,

bears to the total number of children born out of wedlock and (except as provided in such last sentence) with respect to whom assistance was being provided under the State program funded under part A as of the end of the preceding fiscal year or with respect to whom services were being provided under the State's plan approved under this part as of the end of the preceding fiscal year pursuant to an application submitted under section 654(4)(A)(ii) of this title;

(B) the term "statewide paternity establishment percentage" means, with respect to a State for a fiscal year, the ratio (expressed as a percentage) that the total number of minor children—

(i) who have been born out of wedlock, and

(ii) the paternity of whom has been established or acknowledged during the fiscal year,

bears to the total number of children born out of wedlock during the preceding fiscal year; and

(C) the term "reliable data" means the most recent data available which are found by the Secretary to be reliable for purposes of this section.

For purposes of subparagraphs (A) and (B), the total number of children shall not include any child with respect to whom assistance is being provided under the State program funded under part A by reason of the death of a parent unless paternity is established for such child or any child with respect to whom an applicant or recipient is found by the State to qualify for a good cause or other exception to cooperation pursuant to section 654(29) of this title.

(3)(A) The Secretary may modify the requirements of this subsection to take into account such additional variables as the Secretary identifies (including the percentage of children in a State who are born out of wedlock or for whom support has not been established) that affect the ability of a State to meet the requirements of this subsection.

(B) The Secretary shall submit an annual report to the Congress that sets forth the data upon which the paternity establishment percentages for States for a fiscal year are based, lists any additional variables the Secretary has identified under subparagraph (A), and describes State performance in establishing paternity.

**(h) Prompt State response to requests for child support assistance**

The standards required by subsection (a)(1) shall include standards establishing time limits governing the period or periods within which a State must accept and respond to requests (from States, jurisdictions thereof, or individuals who apply for services furnished by the State agency under this part or with respect to whom an assignment pursuant to section 608(a)(3) of this title is in effect) for assistance in establishing and enforcing support orders, including requests to locate noncustodial parents, establish paternity, and initiate proceedings to establish and collect child support awards.

**(i) Prompt State distribution of amounts collected as child support**

The standards required by subsection (a)(1) shall include standards establishing time limits governing the period or periods within which a State must distribute, in accordance with section 657 of this title, amounts collected as child support pursuant to the State's plan approved under this part.

**(j) Training of Federal and State staff, research and demonstration programs, and special projects of regional or national significance**

Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated to the Secretary for each fiscal year an amount equal to 1 percent of the total amount paid to the Federal Government pursuant to a plan approved under this part during the immediately preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the third calendar quarter following the end of such preceding fiscal year) or the amount appropriated under this paragraph<sup>1</sup> for fiscal year 2002, whichever is greater, which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements, for—

(1) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs under this part (including technical assistance concerning State automated systems required by this part); and

(2) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part.

The amount appropriated under this subsection shall remain available until expended.

**(k) Denial of passports for nonpayment of child support**

(1) If the Secretary receives a certification by a State agency in accordance with the require-

<sup>1</sup> So in original. Probably should be "subsection".

ments of section 654(31) of this title that an individual owes arrearages of child support in an amount exceeding \$2,500, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to paragraph (2).

(2) The Secretary of State shall, upon certification by the Secretary transmitted under paragraph (1), refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(3) The Secretary and the Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

**(l) Facilitation of agreements between State agencies and financial institutions**

The Secretary, through the Federal Parent Locator Service, may aid State agencies providing services under State programs operated pursuant to this part and financial institutions doing business in two or more States in reaching agreements regarding the receipt from such institutions, and the transfer to the State agencies, of information that may be provided pursuant to section 666(a)(17)(A)(i) of this title, except that any State that, as of July 16, 1998, is conducting data matches pursuant to section 666(a)(17)(A)(i) of this title shall have until January 1, 2000, to allow the Secretary to obtain such information from such institutions that are operating in the State. For purposes of section 3413(d) of title 12, a disclosure pursuant to this subsection shall be considered a disclosure pursuant to a Federal statute.

**(m) Comparisons with insurance information**

**(1) In general**

The Secretary, through the Federal Parent Locator Service, may—

(A) compare information concerning individuals owing past-due support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments; and

(B) furnish information resulting from the data matches to the State agencies responsible for collecting child support from the individuals.

**(2) Liability**

An insurer (including any agent of an insurer) shall not be liable under any Federal or State law to any person for any disclosure provided for under this subsection, or for any other action taken in good faith in accordance with this subsection.

**(n) Compliance with multilateral child support conventions**

The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.

**(o) Data exchange standards for improved interoperability**

**(1) Designation**

The Secretary shall, in consultation with an interagency work group established by the Of-

fice of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

(A) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

(B) Federal reporting and data exchange required under applicable Federal law.

**(2) Requirements**

The data exchange standards required by paragraph (1) shall, to the extent practicable—

(A) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

(D) be consistent with and implement applicable accounting principles;

(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

(F) be capable of being continually upgraded as necessary.

**(3) Rule of construction**

Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.

(Aug. 14, 1935, ch. 531, title IV, §452, as added Pub. L. 93-647, §101(a), Jan. 4, 1975, 88 Stat. 2351; amended Pub. L. 95-30, title V, §504(a), May 23, 1977, 91 Stat. 163; Pub. L. 96-265, title IV, §§402(a), 405(c), (d), June 9, 1980, 94 Stat. 462, 464, 465; Pub. L. 96-272, title III, §301(b), June 17, 1980, 94 Stat. 527; Pub. L. 97-35, title XXIII, §2332(b), Aug. 13, 1981, 95 Stat. 861; Pub. L. 97-248, title I, §175(a)(1), Sept. 3, 1982, 96 Stat. 403; Pub. L. 98-369, div. B, title VI, §2663(c)(12), (j)(2)(B)(viii), July 18, 1984, 98 Stat. 1166, 1170; Pub. L. 98-378, §§4(b), 9(a)(1), 13(a), (b), 16, Aug. 16, 1984, 98 Stat. 1312, 1316, 1319, 1321; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-203, title IX, §9143(a), Dec. 22, 1987, 101 Stat. 1330-322; Pub. L. 100-485, title I, §§111(a), 121(a), 122(a), 123(b), (d), Oct. 13, 1988, 102 Stat. 2348, 2351-2353; Pub. L. 101-239, title X, §10403(a)(1)(B)(i), Dec. 19, 1989, 103 Stat. 2487; Pub. L. 103-66, title XIII, §13721(a), Aug. 10, 1993, 107 Stat. 658; Pub. L. 103-432, title II, §213, Oct. 31, 1994, 108 Stat. 4461; Pub. L. 104-35, §1(b), Oct. 12, 1995, 109 Stat. 294; Pub. L. 104-193, title I, §108(c)(2)-(9), title III, §§301(c)(1), (2), 316(e)(1), 324(a), 331(b), 341(b), formerly 341(c), 342(b), 343(a), 345(a), 346(a), 370(a)(1), 395(d)(1)(B), Aug. 22, 1996, 110 Stat. 2165, 2200, 2215, 2223, 2230, 2232-2234, 2237, 2238, 2251, 2259; Pub. L. 104-208, div. A, title I, §101(e) [title II, §215], Sept. 30, 1996, 110 Stat. 3009-233, 3009-255; Pub. L. 105-33, title V, §§5513(a)(1), (2), 5540, 5541(a), 5556(c), Aug.

5, 1997, 111 Stat. 619, 630, 637; Pub. L. 105-200, title I, §102(a), title II, §201(e)(1)(A), title IV, §§401(c)(2), 406(b), 407(b), July 16, 1998, 112 Stat. 647, 657, 662, 671, 672; Pub. L. 106-169, title IV, §401(f), Dec. 14, 1999, 113 Stat. 1858; Pub. L. 109-171, title VII, §§7303(a), 7304, 7306(a), 7307(a)(2)(A)(i), (b), (c), Feb. 8, 2006, 120 Stat. 145-147; Pub. L. 113-183, title III, §§301(a)(1), 304(a), Sept. 29, 2014, 128 Stat. 1943, 1947.)

### Editorial Notes

#### REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (b), is classified generally to Title 26, Internal Revenue Code.

#### AMENDMENTS

2014—Subsecs. (l), (m). Pub. L. 113-183, §301(a)(1)(A), redesignated subsec. (l), relating to comparisons with insurance information, as (m).

Subsec. (n). Pub. L. 113-183, §301(a)(1)(B), added subsec. (n).

Subsec. (o). Pub. L. 113-183, §304(a), added subsec. (o).

2006—Subsec. (f). Pub. L. 109-171, §7307(a)(2)(A)(i), (b), (c), substituted “enforce medical support included as part of a child support order” for “include medical support as part of any child support order and enforce medical support”, inserted after first sentence “A State agency administering the program under this part may enforce medical support against a custodial parent if health care coverage is available to the custodial parent at a reasonable cost, notwithstanding any other provision of this part.”, and inserted at end “For purposes of this part, the term ‘medical support’ may include health care coverage, such as coverage under a health insurance plan (including payment of costs of premiums, co-payments, and deductibles) and payment for medical expenses incurred on behalf of a child.”

Subsec. (j). Pub. L. 109-171, §7304, inserted “or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater” before “, which shall be available” in introductory provisions.

Subsec. (k)(1). Pub. L. 109-171, §7303(a), substituted “\$2,500” for “\$5,000”.

Subsec. (l). Pub. L. 109-171, §7306(a), added subsec. (l) relating to comparisons with insurance information.

1999—Subsec. (a)(7). Pub. L. 106-169 substituted “social security” for “Social Security”.

1998—Subsec. (a)(10)(H) to (J). Pub. L. 105-200, §407(b), inserted “and” at end of subpar. (H), redesignated subpar. (J) as (I), and struck out former subpar. (I) which read as follows: “the amount of administrative costs which are expended in each functional category of expenditures, including establishment of paternity; and”.

Subsec. (d)(3). Pub. L. 105-200, §102(a), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Secretary may waive any requirement of paragraph (1) or any condition specified under section 654(16) of this title with respect to a State if—

“(A) the State demonstrates to the satisfaction of the Secretary that the State has an alternative system or systems that enable the State, for purposes of section 609(a)(8) of this title, to achieve the paternity establishment percentages (as defined under subsection (g)(2) of this section) and other performance measures that may be established by the Secretary, and to submit data under section 654(15)(B) of this title that is complete and reliable, and to substantially comply with the requirements of this part; and

“(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1315(b) of this title, or

“(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State’s child support enforcement program.”

Subsec. (f). Pub. L. 105-200, §401(c)(2), substituted “include” for “petition for the inclusion of” and inserted “and enforce medical support” before “whenever”.

Subsec. (g). Pub. L. 105-200, §201(e)(1)(A), amended Pub. L. 104-193, §341. See 1996 Amendment notes below.

Subsec. (l). Pub. L. 105-200, §406(b), added subsec. (l). 1997—Subsec. (d)(3)(A). Pub. L. 105-33, §5513(a)(1)(A), substituted “section 609(a)(8) of this title, to achieve the paternity establishment percentages (as defined under subsection (g)(2) of this section) and other performance measures that may be established by the Secretary, and to submit data under section 654(15)(B) of this title that is complete and reliable, and to substantially comply with the requirements of this part; and” for “section 603(h) of this title, to be in substantial compliance with other requirements of this part; and”.

Subsec. (g)(1). Pub. L. 105-33, §5513(a)(1)(B), substituted “section 609(a)(8)” for “section 603(h)” in introductory provisions.

Subsec. (g)(2). Pub. L. 105-33, §5513(a)(2), made technical amendment to directory language of Pub. L. 104-193, §108(c)(8). See 1996 Amendment note below.

Pub. L. 105-33, §5540, substituted “subparagraphs (A) and (B)” for “subparagraph (A)” in concluding provisions.

Subsec. (j). Pub. L. 105-33, §5556(c), amended Pub. L. 104-208, §101(e) [title II, §215], generally. See 1996 Amendment note below.

Pub. L. 105-33, §5541(a), substituted “which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements,” for “to cover costs incurred by the Secretary” in introductory provisions.

1996—Subsec. (a)(1). Pub. L. 104-193, §395(d)(1)(B), substituted “noncustodial” for “absent” in two places.

Subsec. (a)(4). Pub. L. 104-193, §342(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “evaluate the implementation of State programs established pursuant to such plan, conduct such audits of State programs established under the plan approved under this part as may be necessary to assure their conformity with the requirements of this part, and, not less often than once every three years (or not less often than annually in the case of any State to which a reduction is being applied under section 603(h)(1) of this title, or which is operating under a corrective action plan in accordance with section 603(h)(2) of this title), conduct a complete audit of the programs established under such plan in each State and determine for the purposes of the penalty provision of section 603(h) of this title whether the actual operation of such programs in each State conforms to the requirements of this part;”.

Subsec. (a)(5). Pub. L. 104-193, §343(a), inserted before semicolon at end “, and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes) to be applied in following such procedures”.

Subsec. (a)(7). Pub. L. 104-193, §331(b), inserted before semicolon at end “, and specify the minimum requirements of an affidavit to be used for the voluntary acknowledgment of paternity which shall include the Social Security number of each parent and, after consultation with the States, other common elements as determined by such designee”.

Subsec. (a)(8). Pub. L. 104-193, §395(d)(1)(B), substituted “noncustodial” for “absent” in two places.

Subsec. (a)(9). Pub. L. 104-193, §316(e)(1), inserted “Federal” before “Parent”.

Subsec. (a)(10). Pub. L. 104-193, §346(a)(5), struck out closing provisions which read as follows: “The information contained in any such report under subparagraph (A) shall specifically include (i) the total amount of child support payments collected as a result of services furnished during the fiscal year involved to individuals under section 654(6) of this title, (ii) the cost to the States and to the Federal Government of furnishing such services to those individuals, and (iii) the extent to which the furnishing of such services was successful in providing sufficient support to those individuals to

assure that they did not require assistance under the State plan approved under part A of this subchapter.”

Subsec. (a)(10)(A). Pub. L. 104-193, § 346(a)(1)(A), substituted “this part, including—” for “this part;”.

Subsec. (a)(10)(A)(i) to (iii). Pub. L. 104-193, § 346(a)(1)(B), added cls. (i) to (iii).

Subsec. (a)(10)(C). Pub. L. 104-193, § 346(a)(2)(A), in introductory provisions, substituted “separately stated for cases” for “with the data required under each clause being separately stated for cases”, “or formerly received” for “cases where the child was formerly receiving”, “671(a)(17) or 1396k of this title” for “671(a)(17) of this title”, and “for all other cases under this part” for “all other cases under this part”.

Pub. L. 104-193, § 108(c)(2), in introductory provisions, substituted “assistance under a State program funded under part A” for “aid to families with dependent children”, “such assistance or payments” for “such aid or payments”, and “pursuant to section 608(a)(3) of this title or under section” for “under section 602(a)(26) or”.

Subsec. (a)(10)(C)(i), (ii). Pub. L. 104-193, § 346(a)(2)(B), struck out “, and the total amount of such obligations” before semicolon at end.

Subsec. (a)(10)(C)(iii). Pub. L. 104-193, § 346(a)(2)(C), substituted “in which support was collected during the fiscal year” for “described in clause (i) in which support was collected during such fiscal year, and the total amount of such collections”.

Subsec. (a)(10)(C)(iv) to (vii). Pub. L. 104-193, § 346(a)(2)(D), (E), added cls. (iv) to (vi), redesignated former cl. (v) as (vii), and struck out former cl. (iv) which read as follows: “the number of cases described in clause (ii) in which support was collected during such fiscal year, and the total amount of such collections; and”.

Subsec. (a)(10)(E). Pub. L. 104-193, § 395(d)(1)(B), substituted “noncustodial” for “absent”.

Subsec. (a)(10)(F). Pub. L. 104-193, § 395(d)(1)(B), substituted “noncustodial” for “absent”.

Pub. L. 104-193, § 108(c)(3), substituted “assistance under a State program funded under part A” for “aid under a State plan approved under part A” and “(as determined by the State)” for “(as determined in accordance with the standards referred to in section 602(a)(26)(B)(ii) of this title)”.

Subsec. (a)(10)(G). Pub. L. 104-193, § 346(a)(3), struck out “on the use of Federal courts and” before “on use of the Internal Revenue Service”.

Subsec. (a)(10)(J). Pub. L. 104-193, § 346(a)(4), added subpar. (J).

Subsec. (a)(11). Pub. L. 104-193, § 324(a), added par. (11).

Subsec. (b). Pub. L. 104-193, § 301(c)(1), substituted “654(4)” for “654(6)”.

Pub. L. 104-193, § 108(c)(4), substituted “assistance under the State program funded under part A” for “aid under the State plan approved under part A”.

Subsec. (d)(3)(B)(i). Pub. L. 104-193, § 108(c)(5), substituted “1315(b)” for “1315(c)”.

Subsec. (f). Pub. L. 104-193, § 395(d)(1)(B), substituted “noncustodial” for “absent”.

Subsec. (g)(1). Pub. L. 104-193, § 341(b)(2)(B), formerly § 341(c)(2)(B), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), inserted as closing provisions “In determining compliance under this section, a State may use as its paternity establishment percentage either the State’s IV-D paternity establishment percentage (as defined in paragraph (2)(A)) or the State’s statewide paternity establishment percentage (as defined in paragraph (2)(B)).”

Subsec. (g)(1)(A). Pub. L. 104-193, § 341(b)(1), formerly § 341(c)(1), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), substituted “90” for “75”.

Subsec. (g)(1)(B) to (F). Pub. L. 104-193, § 341(b)(2)(A), formerly § 341(c)(2)(A), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), added subpar. (B) and redesignated former subpars. (B) to (E) as (C) to (F), respectively.

Subsec. (g)(2). Pub. L. 104-193, § 108(c)(8), as amended by Pub. L. 105-33, § 5513(a)(2), in closing provisions, substituted “with respect to whom assistance is being provided under the State program funded under part A”

for “who is a dependent child” and “found by the State to qualify for a good cause or other exception to cooperation pursuant to section 654(29) of this title” for “found to have good cause for refusing to cooperate under section 602(a)(26) of this title or any child with respect to whom the State agency administering the plan under part E of this subchapter determines (as provided in section 654(4)(B) of this title) that it is against the best interests of such child to do so”.

Subsec. (g)(2)(A). Pub. L. 104-193, § 341(b)(3)(A), formerly § 341(c)(3)(A), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), in introductory provisions, substituted “IV-D paternity establishment percentage” for “paternity establishment percentage” and struck out “(or all States, as the case may be)” after “with respect to a State”, and, in closing provisions, struck out “and” at end.

Pub. L. 104-193, § 301(c)(2), substituted “654(4)(A)(ii)” for “654(6)” in cl. (ii)(I) and in closing provisions.

Pub. L. 104-193, § 108(c)(7), in concluding provisions, substituted “assistance was being provided under the State program funded under part A” for “aid was being paid under the State’s plan approved under part A or E”.

Subsec. (g)(2)(A)(ii)(I). Pub. L. 104-193, § 108(c)(6), substituted “assistance is being provided under the State program funded under part A” for “aid is being paid under the State’s plan approved under part A or E”.

Subsec. (g)(2)(B), (C). Pub. L. 104-193, § 341(b)(3)(B), formerly § 341(c)(3)(B), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (g)(3)(A). Pub. L. 104-193, § 341(b)(4)(B), formerly § 341(c)(4)(B), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), substituted “the percentage of children in a State who are born out of wedlock or for whom support has not been established” for “the percentage of children born out-of-wedlock in a State”.

Pub. L. 104-193, § 341(b)(4)(A), formerly § 341(c)(4)(A), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “The requirements of this subsection are in addition to and shall not supplant any other requirement (that is not inconsistent with such requirements) established in regulations by the Secretary for the purpose of determining (for purposes of section 603(h) of this title) whether the program of a State operated under this part shall be treated as complying substantially with the requirements of this part.”

Subsec. (g)(3)(B), (C). Pub. L. 104-193, § 341(b)(4)(A), formerly § 341(c)(4)(A), as redesignated by Pub. L. 105-200, § 201(e)(1)(A), redesignated subpars. (B) and (C) as (A) and (B), respectively.

Subsec. (h). Pub. L. 104-193, § 395(d)(1)(B), substituted “noncustodial” for “absent”.

Pub. L. 104-193, § 108(c)(9), substituted “pursuant to section 608(a)(3)” for “under section 602(a)(26)”.

Subsec. (j). Pub. L. 104-208, title I, § 101(e) [title II, § 215], as amended by Pub. L. 105-33, § 5556(c), substituted “a plan approved under this part” for “section 657(a) of this title”.

Pub. L. 104-193, § 345(a), added subsec. (j).

Subsec. (k). Pub. L. 104-193, § 370(a)(1), added subsec. (k).

1995—Subsecs. (d)(1)(B), (2)(A), (B), (e). Pub. L. 104-35 substituted “in section 654(16)” for “in section 655(a)(1)(B)”.

1994—Subsec. (g)(2)(A). Pub. L. 103-432, § 213(5), in closing provisions, substituted “born out of wedlock” for “who were born out of wedlock during the immediately preceding fiscal year”, substituted “the preceding fiscal year” for “such preceding fiscal year” in two places, and struck out “or E” after “under this part”.

Subsec. (g)(2)(A)(i). Pub. L. 103-432, § 213(1), struck out “during the fiscal year” after “wedlock”.

Subsec. (g)(2)(A)(ii)(I). Pub. L. 103-432, § 213(2), substituted “in the fiscal year or, at the option of the State, as of the end of such year” for “as of the end of the fiscal year”.



Subsec. (g)(2)(A)(ii)(II). Pub. L. 103-432, §213(3), substituted “in the fiscal year or, at the option of the State, as of the end of such year” for “or E as of the end of the fiscal year”.

Subsec. (g)(2)(A)(iii). Pub. L. 103-432, §213(4), struck out “during the fiscal year” after “acknowledged”.

1993—Subsec. (g)(1). Pub. L. 103-66, §13721(a)(1)(A)–(C), substituted “1994” for “1991” and inserted “is based on reliable data and (rounded to the nearest whole percentage point)” before “equals”.

Subsec. (g)(1)(A) to (E). Pub. L. 103-66, §13721(a)(1)(D), added subpars. (A) to (E) and struck out former subpars. (A) to (C) which read as follows:

“(A) 50 percent;

“(B) the paternity establishment percentage of the State for the fiscal year 1988, increased by the applicable number of percentage points; or

“(C) the paternity establishment percentage determined with respect to all States for such fiscal year.”

Subsec. (g)(2). Pub. L. 103-66, §13721(a)(2)(C), (D), in concluding provisions, inserted “unless paternity is established for such child” after “the death of a parent” and “or any child with respect to whom the State agency administering the plan under part E of this subchapter determines (as provided in section 654(4)(B) of this title) that it is against the best interests of such child to do so” after “cooperate under section 602(a)(26) of this title”.

Subsec. (g)(2)(A). Pub. L. 103-66, §13721(a)(2)(A), in cl. (i), inserted before comma “during the fiscal year”, in cl. (ii)(I), substituted “part A or E as of the end of the” for “part A (or under all such plans) for such”, in cl. (ii)(II), substituted “this part or E as of the end of the” for “this part (or under all such plans) for the”, in cl. (iii), inserted before comma “or acknowledged during the fiscal year”, and in concluding provisions, substituted “children who were born out of wedlock during the immediately preceding fiscal year and” for “children who have been born out of wedlock and”, “aid was being paid” for “aid is being paid”, “part A or E of this subchapter as of the end of such preceding fiscal” for “part A of this subchapter (or under all such plans) for such fiscal”, “services were being” for “services are being”, and “this part or E as of the end of such preceding fiscal” for “this part (or under all such plans) for the fiscal”.

Subsec. (g)(2)(B). Pub. L. 103-66, §13721(a)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “the applicable number of percentage points means, with respect to a fiscal year (beginning with the fiscal year 1991), 3 percentage points multiplied by the number of fiscal years after the fiscal year 1989 and before the beginning of such fiscal year.”

1989—Subsec. (d)(2)(B). Pub. L. 101-239 substituted “automated data” for “automatic data”.

1988—Subsec. (d)(1). Pub. L. 100-485, §123(b)(1), substituted “Except as provided in paragraph (3), the” for “The”.

Pub. L. 100-485, §123(d), substituted “automated” for “automatic”.

Subsec. (d)(3). Pub. L. 100-485, §123(b)(2), added par. (3).

Subsec. (g). Pub. L. 100-485, §111(a), added subsec. (g).

Subsec. (h). Pub. L. 100-485, §121(a), added subsec. (h).

Subsec. (i). Pub. L. 100-485, §122(a), added subsec. (i).

1987—Subsec. (c). Pub. L. 100-203 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(1) There is hereby established in the Treasury a revolving fund which shall be available to the Secretary without fiscal year limitation, to enable him to pay to the States for distribution in accordance with the provisions of section 657 of this title such amounts as may be collected and paid (subject to paragraph (2)) into such fund under section 6305 of the Internal Revenue Code of 1986.

“(2) There is hereby appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, amounts equal to the amounts collected under section 6305 the Internal Revenue Code of 1986, reduced

by the amounts credited or refunded as overpayments of the amounts so collected. The amounts appropriated by the preceding sentence shall be transferred at least quarterly from the general fund of the Treasury to the fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.”

1986—Subsecs. (b), (c). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954” wherever appearing.

1984—Subsec. (a). Pub. L. 98-369, §2663(j)(2)(B)(viii), substituted “Health and Human Services” for “Health, Education, and Welfare” in provisions preceding par. (1).

Subsec. (a)(4). Pub. L. 98-378, §9(a)(1), substituted “not less often than once every three years (or not less often than annually in the case of any State to which a reduction is being applied under section 603(h)(1) of this title, or which is operating under a corrective action plan in accordance with section 603(h)(2) of this title)” for “not less often than annually”.

Subsec. (a)(10)(C). Pub. L. 98-378, §13(a), amended subpar. (C) generally to include the reporting of additional aspects of child support enforcement. Prior to amendment, subpar. (C) read as follows: “the number of child support cases (with separate identification of the number in which collection of spousal support was involved) in each State during each quarter of the fiscal year last ending before the report is submitted and during each quarter of the preceding fiscal year (including the transitional period beginning July 1, 1976, and ending September 30, 1976, in the case of the first report to which this subparagraph applies), and the disposition of such cases;”.

Subsec. (a)(10)(I). Pub. L. 98-378, §13(b), added subpar. (I).

Subsec. (c)(2). Pub. L. 98-369, §2663(c)(12), substituted “preceding sentence” for “preceding section”.

Subsecs. (d)(1)(B), (2)(A), (B), (e). Pub. L. 98-378, §4(b), substituted “655(a)(1)(B) of this title” for “655(a)(3) of this title”.

Subsec. (f). Pub. L. 98-378, §16, added subsec. (f).

1982—Subsec. (b). Pub. L. 97-248 substituted provisions that the Secretary shall, upon the request of a State having in effect a State plan approved under this part, certify to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954 the amount of any child support obligation (including any support obligation with respect to the parent who is living with the child and receiving aid under the State plan approved under part A of this subchapter) which is assigned to such State or is undertaken to be collected by such State pursuant to section 654(6) of this title for provisions that the Secretary would, upon the request of any State having in effect a State plan approved under this part, certify the amount of any child support obligation assigned to such State, including any support obligation with respect to the parent who is living with the child and receiving aid under the State plan approved under part A of this subchapter (or undertaken to be collected by such State pursuant to section 654(6) of this title) to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954.

1981—Subsec. (a)(1). Pub. L. 97-35, §2332(b)(1)(A), inserted “and support for the spouse (or former spouse) with whom the absent parent’s child is living”.

Subsec. (a)(7). Pub. L. 97-35, §2332(b)(1)(B), substituted “child and spousal support” for “child support”.

Subsec. (a)(10)(C). Pub. L. 97-35, §2332(b)(1)(C), inserted “(with separate identification of the number in which collection of spousal support was involved)”.

Subsec. (b). Pub. L. 97-35, §2332(b)(2), inserted “, including any support obligation with respect to the parent who is living with the child and receiving aid under the State plan approved under part A of this subchapter,” and provision that all reimbursements be

credited to the appropriation accounts which bore all or part of the costs involved in making the collections and substituting “court or administrative order” for “court order” and “reimburse the Secretary of the Treasury” for “reimburse the United States”.

1980—Subsec. (a)(10). Pub. L. 96-272 inserted provisions following subpar. (H) setting out certain required information to be contained in reports under subpar. (A).

Subsec. (b). Pub. L. 96-265, §402(a), inserted “(or undertaken to be collected by such State pursuant to section 654(6) of this title)” after “assigned to such State”.

Subsecs. (d), (e). Pub. L. 96-265, §405(c), (d), added subsecs. (d) and (e).

1977—Subsec. (a)(10). Pub. L. 95-30 substituted “not later than three months after the end of each fiscal year, beginning with the year 1977, submit to the Congress a full and complete report on all activities undertaken pursuant to the provisions of this part, which report shall include, but not be limited to, the following” for “not later than June 30 of each year beginning after December 31, 1975, submit to the Congress a report on all activities undertaken pursuant to the provisions of this part”, substituted a colon for a period at end of provisions thus substituted, and added subpars. (A) to (H).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-171, title VII, §7303(c), Feb. 8, 2006, 120 Stat. 145, provided that: “The amendments made by this section [amending this section and section 654 of this title] shall take effect on October 1, 2006.”

Amendment by sections 7304, 7306(a) and 7307(a)(2)(A)(i), (b), (c), of Pub. L. 109-171 effective as if enacted on Oct. 1, 2005, except as otherwise provided, see section 7701 of Pub. L. 109-171, set out as a note under section 603 of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-169 effective as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see section 401(q) of Pub. L. 106-169, set out as a note under section 602 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-200, title II, §201(e)(2), July 16, 1998, 112 Stat. 657, provided that: “The amendments made by this subsection [amending this section and section 658 of this title, amending provisions set out as notes under this section and section 658 of this title, and repealing provisions set out as a note under section 658 of this title] shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Pub. L. 104-193].”

Pub. L. 105-200, title IV, §401(c)(3), July 16, 1998, 112 Stat. 662, as amended by Pub. L. 105-306, §4(b)(1), Oct. 28, 1998, 112 Stat. 2927, provided that: “The amendments made by this subsection [amending this section and section 666 of this title] shall be effective with respect to periods beginning on or after the later of—

“(A) October 1, 2001; or

“(B) the effective date of laws enacted by the legislature of such State implementing such amendments, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date specified in subparagraph (A). For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.”

[Pub. L. 105-306, §4(b)(2), Oct. 28, 1998, 112 Stat. 2927, provided that: “The amendment made by paragraph (1) of this subsection [amending section 401(c)(3) of Pub. L. 105-200, set out above] shall take effect as if included in

the enactment of section 401(c)(3) of the Child Support Performance and Incentive Act of 1998 [Pub. L. 105-200].”]

Pub. L. 105-200, title IV, §407(c), July 16, 1998, 112 Stat. 672, provided that: “The amendments made by this section [amending this section and section 669 of this title] shall apply to information maintained with respect to fiscal year 1995 or any succeeding fiscal year.”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-33, title V, §5518(b), Aug. 5, 1997, 111 Stat. 621, provided that: “The amendments made by section 5513 of this Act [amending this section and sections 656, 664, 672, and 673 of this title] shall take effect as if the amendments had been included in section 108 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Pub. L. 104-193] at the time such section 108 became law.”

Amendment by sections 5540, 5541(a), and 5556(c) of Pub. L. 105-33 effective as if included in the enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see section 5557 of Pub. L. 105-33, set out as a note under section 608 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(e) [title II, §215], Sept. 30, 1996, 110 Stat. 3009-233, 3009-255, as amended by Pub. L. 105-33, title V, §5556(c), Aug. 5, 1997, 111 Stat. 637, provided in part that: “Amounts available under such sections 452(j) [42 U.S.C. 652(j)] and 453(o) [42 U.S.C. 653(o)] shall be calculated as though the amendments made by this section were effective October 1, 1995.”

Amendment by section 108(c)(2)-(9) of Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of this title.

Pub. L. 104-193, title III, §341(c)(2), formerly §341(d)(2), Aug. 22, 1996, 110 Stat. 2233, as redesignated and amended by Pub. L. 105-200, title II, §201(e)(1)(A), (B)(ii), July 16, 1998, 112 Stat. 657, provided that: “The amendments made by subsection (b) [amending this section] shall become effective with respect to calendar quarters beginning on or after the date of the enactment of this Act [Aug. 22, 1996].”

Pub. L. 104-193, title III, §342(c), Aug. 22, 1996, 110 Stat. 2234, provided that: “The amendments made by this section [amending this section and section 654 of this title] shall be effective with respect to calendar quarters beginning 12 months or more after the date of the enactment of this Act [Aug. 22, 1996].”

Pub. L. 104-193, title III, §346(b), Aug. 22, 1996, 110 Stat. 2239, provided that: “The amendments made by subsection (a) [amending this section] shall be effective with respect to fiscal year 1997 and succeeding fiscal years.”

Pub. L. 104-193, title III, §370(b), Aug. 22, 1996, 110 Stat. 2252, provided that: “This section [amending this section and section 654 of this title] and the amendments made by this section shall become effective October 1, 1997.”

For provisions relating to effective date of title III of Pub. L. 104-193, see section 395(a)-(c) of Pub. L. 104-193, set out as a note under section 654 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-66, title XIII, §13721(c), Aug. 10, 1993, 107 Stat. 660, provided that: “The amendments made by this section [amending this section and section 666 of this title] shall become effective with respect to a State on the later of—

“(1) October 1, 1993 or,

“(2) the date of enactment by the legislature of such State of all laws required by such amendments, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act [Aug. 10, 1993]. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-239, title X, §10403(a)(1)(B)(ii), Dec. 19, 1989, 103 Stat. 2487, provided that: “The amendments made by clause (i) [amending this section and section 602 of this title] shall take effect as if such amendments had been included in section 123(d) of the Family Support Act of 1988 [Pub. L. 100-485] on the date of the enactment of such Act [Oct. 13, 1988].”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-485, title I, §111(f)(1), Oct. 13, 1988, 102 Stat. 2350, provided that: “The amendments made by subsections (a), (d), and (e) [enacting section 668 of this title and amending this section and section 666 of this title] shall become effective on the date of the enactment of this Act [Oct. 13, 1988].”

#### EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-203, title IX, §9143(b), Dec. 22, 1987, 101 Stat. 1330-322, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to amounts collected after the date of the enactment of this Act [Dec. 22, 1987].”

#### EFFECTIVE DATE OF 1984 AMENDMENTS

Pub. L. 98-378, §4(c), Aug. 16, 1984, 98 Stat. 1312, provided that: “The amendments made by this section [amending this section and section 655 of this title] shall apply to fiscal years after fiscal year 1983.”

Pub. L. 98-378, §9(c), Aug. 16, 1984, 98 Stat. 1317, provided that: “The amendments made by this section [amending this section and sections 602 and 603 of this title] shall be effective on and after October 1, 1983.”

Pub. L. 98-378, §13(c), Aug. 16, 1984, 98 Stat. 1320, provided that: “The amendments made by this section [amending this section] shall be effective for reports for fiscal year 1986 and each fiscal year thereafter.”

Amendment by Pub. L. 98-369 effective July 18, 1984, but not to be construed as changing or affecting any right, liability, status, or interpretation which existed (under the provisions of law involved) before that date, see section 2664(b) of Pub. L. 98-369, set out as a note under section 401 of this title.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-248 effective Oct. 1, 1981, see section 175(b) of Pub. L. 97-248, set out as a note under section 503 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise specifically provided, see section 2336 of Pub. L. 97-35, set out as a note under section 651 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-265, title IV, §402(b), June 9, 1980, 94 Stat. 462, provided that: “The amendment made by subsection (a) [amending this section] shall take effect July 1, 1980.”

Pub. L. 96-265, title IV, §405(e), June 9, 1980, 94 Stat. 465, provided that: “The amendments made by this section [amending this section and sections 654 and 655 of this title] shall take effect on July 1, 1981, and shall be effective only with respect to expenditures, referred to in section 455(a)(3) of the Social Security Act [42 U.S.C.

655(a)(3)] (as amended by this Act), made on or after such date.”

#### EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-30, title V, §504(b), May 23, 1977, 91 Stat. 164, provided that: “The amendment made by subsection (a) [amending this section] shall be effective in the case of reports, submitted by the Secretary of Health, Education, and Welfare [now Health and Human Services] after 1976.”

#### REGULATIONS

Pub. L. 113-183, title III, §304(b), Sept. 29, 2014, 128 Stat. 1947, provided that: “The Secretary of Health and Human Services shall issue a proposed rule within 24 months after the date of the enactment of this section [Sept. 29, 2014]. The rule shall identify federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges. It should also specify State implementation options and describe future milestones.”

Pub. L. 100-485, title I, §122(b), Oct. 13, 1988, 102 Stat. 2351, provided that: “Not later than 180 days after the date of the enactment of this Act [Oct. 13, 1988], the Secretary of Health and Human Services shall issue a notice of proposed rulemaking with respect to the standards required by the amendment made by subsection (a) [amending this section], and, after allowing not less than 60 days for public comment, shall issue final regulations not later than the first day of the 10th month to begin after such date of enactment.”

#### IMPLEMENTATION OF PERFORMANCE STANDARDS FOR STATE PATERNITY ESTABLISHMENT PROGRAMS

Pub. L. 100-485, title I, §111(f)(3), Oct. 13, 1988, 102 Stat. 2350, provided that: “The Secretary of Health and Human Services shall collect the data necessary to implement the requirements of section 452(g) of the Social Security Act [42 U.S.C. 652(g)] (as added by subsection (a) of this section) and may, in carrying out the requirement of determining a State’s paternity establishment percentage for the fiscal year 1988, compute such percentage on the basis of data collected with respect to the last quarter of such fiscal year (or, if such data are not available, the first quarter of the fiscal year 1989) if the Secretary determines that data for the full year are not available.”

#### REQUESTS FOR CHLD SUPPORT ASSISTANCE; ADVISORY COMMITTEE; PROMULGATION OF REGULATIONS

Pub. L. 100-485, title I, §121(b), Oct. 13, 1988, 102 Stat. 2351, provided that:

“(1) Not later than 60 days after the date of the enactment of this Act [Oct. 13, 1988], the Secretary of Health and Human Services shall establish an advisory committee. The committee shall include representatives of organizations representing State governors, State welfare administrators, and State directors of programs under part D of title IV of the Social Security Act [42 U.S.C. 651 et seq.]. The Secretary shall consult with the advisory committee before issuing any regulations with respect to the standards required by the amendment made by subsection (a) [amending this section] (including regulations regarding what constitutes an adequate response on the part of a State to the request of an individual, State, or jurisdiction).

“(2) Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue a notice of proposed rulemaking with respect to the standards required by the amendment made by subsection (a), and, after allowing not less than 60 days for public comment, shall issue final regulations not later than the first day of the 10th month beginning after such date of enactment.”

#### SUPPLEMENTAL REPORT TO BE SUBMITTED TO CONGRESS NOT LATER THAN JUNE 30, 1977

Pub. L. 95-30, title V, §504(c), May 23, 1977, 91 Stat. 164, directed the Secretary of Health, Education, and

Welfare to submit to Congress, not later than June 30, 1977, a special supplementary report with respect to activities undertaken pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

### § 653. Federal Parent Locator Service

#### (a) Establishment; purpose

(1) The Secretary shall establish and conduct a Federal Parent Locator Service, under the direction of the designee of the Secretary referred to in section 652(a) of this title, which shall be used for the purposes specified in paragraphs (2) and (3).

(2) For the purpose of establishing parentage or establishing, setting the amount of, modifying, or enforcing child support obligations, the Federal Parent Locator Service shall obtain and transmit to any authorized person specified in subsection (c)—

(A) information on, or facilitating the discovery of, the location of any individual—

- (i) who is under an obligation to pay child support;
- (ii) against whom such an obligation is sought;
- (iii) to whom such an obligation is owed; or
- (iv) who has or may have parental rights with respect to a child,

including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer;

(B) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

(C) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual.

(3) For the purpose of enforcing any Federal or State law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody or visitation determination, as defined in section 663(d)(1) of this title, the Federal Parent Locator Service shall be used to obtain and transmit the information specified in section 663(c) of this title to the authorized persons specified in section 663(d)(2) of this title.

#### (b) Disclosure of information to authorized persons

(1) Upon request, filed in accordance with subsection (d), of any authorized person, as defined in subsection (c) for the information described in subsection (a)(2), or of any authorized person, as defined in section 663(d)(2) of this title for the information described in section 663(c) of this title, the Secretary shall, notwithstanding any other provision of law, provide through the Federal Parent Locator Service such information to such person, if such information—

(A) is contained in any files or records maintained by the Secretary or by the Department of Health and Human Services; or

(B) is not contained in such files or records, but can be obtained by the Secretary, under the authority conferred by subsection (e), from any other department, agency, or instrumentality of the United States or of any State,

and is not prohibited from disclosure under paragraph (2).

(2) No information shall be disclosed to any person if the disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data. The Secretary shall give priority to requests made by any authorized person described in subsection (c)(1). No information shall be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or the child of such parent, provided that—

(A) in response to a request from an authorized person (as defined in subsection (c) of this section and section 663(d)(2) of this title), the Secretary shall advise the authorized person that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse and that information can only be disclosed to a court or an agent of a court pursuant to subparagraph (B); and

(B) information may be disclosed to a court or an agent of a court described in subsection (c)(2) of this section or section 663(d)(2)(B) of this title, if—

(i) upon receipt of information from the Secretary, the court determines whether disclosure to any other person of that information could be harmful to the parent or the child; and

(ii) if the court determines that disclosure of such information to any other person could be harmful, the court and its agents shall not make any such disclosure.

(3) Information received or transmitted pursuant to this section shall be subject to the safeguard provisions contained in section 654(26) of this title.

#### (c) "Authorized person" defined

As used in subsection (a), the term "authorized person" means—

(1) any agent or attorney of any State or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 5304 of title 25), having in effect a plan approved under this part, who has the duty or authority under such plans to seek to recover any amounts owed as child and spousal support (including, when authorized under the State plan, any official of a political subdivision);

(2) the court which has authority to issue an order or to serve as the initiating court in an action to seek an order against a noncustodial parent for the support and maintenance of a child, or any agent of such court;

(3) the resident parent, legal guardian, attorney, or agent of a child (other than a child receiving assistance under a State program funded under part A) (as determined by regulations prescribed by the Secretary) without regard to the existence of a court order against a noncustodial parent who has a duty to support and maintain any such child;

(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E; and