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**Jazzin' It Up
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Child Support and Child Welfare Bridging the Gap

The Wisconsin and Florida Experience

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What is the Connection between Child Support and Child Welfare?

The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) established Title IV-E and included the following mandate:

(a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

(17) provides that, **where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the program funded under part A and plan approved under part D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part;**

Source: 42 USC 671(a)(17)



How Does IV-E Foster Care Fit Within the Child Welfare System?

The goals of the child welfare system are to prevent child abuse and neglect and to provide assistance to families involved in or suspected of maltreatment. To achieve these ends, the child welfare system has developed a complex set of programs.

The Title IV-E Foster Care Program is the largest federal funding stream for child welfare services. Much of these funds are used to provide temporary out-of-home placements for children who cannot remain safely in their homes, which includes IV-E Foster Care maintenance payments. Child support collections are used to recoup these costs.



How Does IV-E Foster Care Fit Within the Child Welfare System?

The IV-E Foster Care Program is an open-ended entitlement, but federal requirements for reimbursement are extensive, most notably the family receiving services must be considered “needy,” which is defined as being eligible for AFDC under the AFDC state plan in effect in 1996.

In FY 2019, 164,000 children were served by the IV-E Foster Care Program in an average month. That year, child support collected \$45 million on behalf of children currently in the IV-E Foster Care program. That translates into less than \$300 per IV-E Foster Care child. That year, child support agencies’ administrative expenditures were, on average, \$442 per case.



What Does the Research Show

- The Cost of Pursuing Child Support on Behalf of Foster Care Cases Are Greater than the Amount Collected
 - In one study of MN, \$0.36 was collected on behalf of IV-E Foster Care families for every dollar spent. In another of Orange County, CA, \$0.27 was collected for every dollar spent.
- Percentage of Out-of-Home Placement Costs Recovered is Minimal
 - In FY 2019, only 2% of IV-E Foster Care Maintenance Payments were offset by child support payments.



What Does the Research Show

- Families involved in IV-E Foster Care and the Child Support Program are poor
 - In one study of MN, about one-third of parents had an annual income below \$10,000 . A study of Orange County found that over half of child welfare parents had an annual income below \$10,000.
- Collecting Child Support to Recoup the costs of Foster Care Increases the Length of Stay in Foster Care
 - One study of WI estimates that collecting \$100 in child support per month to offset the costs of foster care is associated with a 6.6-month delay in family reunification or other type of permanency.



Brief Overview Of Federal Guidance Regarding IV-E Referrals to Child Support

In the early 1990s, concern focused on the small percent of IV-E Foster Care cases that were being referred to the child support program (OIG 1994).

This concern was addressed as state child welfare programs began to adopt statewide automated systems, which were typically designed to automatically refer all IV-E Foster Care cases to the child support program.



Brief Overview Of Federal Guidance Regarding IV-E Referrals to Child Support

Since then, the concern has been that too many IV-E Foster Care cases are being referred to the child support program. The Federal Government issued guidance in 2007 (IM-07-06) and in 2012 (IM-12-02) on this issue, encouraging states to work together to develop criteria for appropriate referrals. The 2012 guidance gave these examples:

Inappropriate Referral Circumstances

- The child is expected to be in foster care for only a short time.
- The child's adoption proceedings are pending in court.
- The parent(s) would be unable to comply with the permanency plan of reunification due to the financial hardship caused by paying child support.



The Child Support and Foster Care Programs in Florida

In Florida, Foster Care is operated under the Department of Children and Families (DCF). The Child Support Program is operated under the Department of Revenue (DOR). Neither program has access to the other's case management system.

Diligent search requests from Foster Care are worked by the Child Support Program in adoption cases. Case specific information is obtained using specific points of contact within each program.



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The Child Support and Foster Care Programs in Wisconsin

In Wisconsin, the Foster Care and Child Support Programs are operated under the Department of Children and Families (DCF), but they are in separate divisions. Neither program has access to the other's case management system. Both programs are state-supervised and county-operated.

Wisconsin has a general policy regarding the referral of out-of-home placement cases to child support, but there is significant variation among counties regarding actual practice. Since 2011, local child welfare case workers may decide to refer the mother, the father, or both to the child support program.



What is the referral process from child welfare to child support?



Wisconsin law

Wis. Stats. §48.355 Dispositional Orders

(2) Content of Order

(b)(4) If the child is placed outside the child's home, a designation of the amount of support, if any, to be paid by the child's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county child support agency under s. [59.53 \(5\)](#) for establishment of child support.



Wisconsin Practice

- Referrals are sent to the child support agency at the time a worker enters an initial Out of Home Care (OHC) placement in eWiSACWIS (Wisconsin Statewide Automated Child Welfare Information System)
- Entry triggers 3 questions:
 - Is the referral in the best interest of the child?
 - Is this placement expected to be long term?
 - Is the worker aware of a court order for child support OR is this otherwise an appropriate case to refer to child support services?
- If answer yes to the first two questions or yes to the third question, then refer to the child support agency



Florida law

Fla. Stats. – Chapter 39 – Child Protection System

§39.521 **Disposition hearings; powers of disposition**

(e) The court shall, in its written order of disposition, include all of the following:

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.



Florida Practice

- By agreement between the Child Support Program and Child Welfare, referrals are sent to the child support agency only if a child support order exists for the child and the child welfare agency determines enforcement of that order is in the best interest of the child and family.
- Referral is manual
- Existing automated interface refers ALL child welfare cases to child support
- Modification of interface to limit referrals is pending



Agency responsibilities



WI - IV-D Responsibilities following referral for child support services:

- Open a case for child support services and attempt to locate the parents or other relatives of the child;
- Establish paternity;
- Redirect support on existing orders
- Establish support order for former CP
- Enforce orders entered pursuant to referral (We do not enforce orders entered in Children's Court)



WI – Child Welfare Responsibilities regarding referral for child support services:

- The decision of the child welfare agency to refer a case to child support is made within 48 hours of the out of home placement. Once the case is referred, the child welfare agency has no further involvement in the establishment or enforcement of a support order.
- Technically, the children's court, not the child welfare agency, should make the determination whether or not to set a support order and refer the case to child support at the time of disposition, but that rarely happens. When the children's court does set a support order, there is currently no real mechanism for enforcing it as it is not a IV-D case.



FL - IV-D Responsibilities following referral for child support services:

- Open a case for child support services
- Redirect support on existing orders
- Enforce orders entered pursuant child welfare action once jurisdiction transferred to court's civil division from juvenile division
- Notify child welfare of existing orders or pending paternity and support actions when child is placed with child welfare
- Distribution of support collections to child welfare agency



FL – Child Welfare Responsibilities regarding referral for child support services:

- Pursue paternity establishment and support establishment during placement hearings
- Update birth records with Bureau of Vital Statistics when paternity established (FL is statewide PEP)
- Determine if enforcement of support is in best interest of the family
- Submit referrals to child support for enforcement or redirection of support
- Notify child support of change in child status regarding placement
- Determine if arrears should be enforced



Implications of Current Policy

Cost Recovery:

Percentage of OHC placement costs recovered is minimal

Delays in reunification drive up the cost of OHC.

Best Interest of Child:

May impact pre-placement resident parent's ability to achieve conditions of reunification.

May make it difficult for pre-placement resident parent to maintain a household for child to return to.



Recommendations for Wisconsin:

- Change Timing of Referrals:
 - Delay referral until child welfare case manager can fully assess the best interests of the child, including whether reunification is the goal, how long the placement is anticipated, the required activities for reunification, and, if possible, the circumstances of the pre-placement noncustodial parent.
- Take greater advantage of referring just the pre-placement noncustodial parent to the child support program.



Possible guidance for child welfare workers to assist them in determining whether a referral is in the best interest of the child.

<https://www.irp.wisc.edu/resource/the-child-support-referral-process-for-out-of-home-placements-potential-modifications-to-current-policy/>

For cases where the out-of-home placement is expected to be longer than 6 months

Question 1: Would pursuing child support make it difficult for the resident parent to maintain a household for the child(ren) to return to?

YES

NO REFERRAL TO CHILD SUPPORT

NO

Question 2: As part of the reunification plan, is the parent required to participate in activities which make it difficult to obtain or maintain employment (consider participation in drug rehabilitation, mental health counseling, incarceration, etc.)

YES

NO

REFERRAL TO CHILD SUPPORT



General Recommendations

- Develop joint procedures and policy
 - Utilize cooperative agreements between agencies
 - Data sharing agreements
 - Standard support orders ensuring required language included (payments through SDU, Income withholding orders, emancipation language, etc)



General Recommendations

- Create clear open lines of communication
 - State and local level
 - Identify ways to better share information about existing orders, pending actions and paternity



General Recommendations

- Ensure case closure and case management between agencies is supportive
 - Notification of child placement status changes
 - Notification of parental rights termination
 - Mutual agreement to address terminating support appropriately



THANK YOU!

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