



| <u>Officers</u>                               | <u>Board of Directors</u> |                    | <u>Honorary Board</u> |
|-----------------------------------------------|---------------------------|--------------------|-----------------------|
| Loretta Everett, President                    | Stacie Alexander          | Teddy Andreopoulos | Margot Bean           |
| Nick Palos, President-Elect                   | Tim Cawoski               | Irene Curran       | Lara Fors             |
| Ray Civitella, VP Conference Operations       | Verna Donnelly            | Monica Hall        | Tom Horan             |
| Rieda Abrams-Miller, VP Exhibitors & Sponsors | Tomiko Hicks              | John Hurst         | Michael McGuire       |
| Diane Potts, VP Policy & Legislation          | Jennifer McFaggan         | Ann Marie Oldani   | Elaine Tudor          |
| Tammy Pearson, Secretary                      | Sharon Pizzuti            | Susan Smith        | Rob Velcoff           |
| Patterson Poulson, Treasurer                  | Petrina Travers           | Elizabeth West     | Thomas Howard         |
| Lisa Skenandore, Immediate Past President     |                           |                    | Laura Bernacki Stone  |

July 30, 2024

Office of Child Support Services  
Attention: Director of Policy and Training  
330 C Street SW  
Washington, DC 20201  
Submitted via Federal eRulemaking Portal:  
<https://www.regulations.gov>

**Comments Submitted by the Eastern Regional Interstate Child Support Association in Response to the Notice of Proposed Rulemaking on Employment and Training Services for Noncustodial Parents in the Child Support Program**

The Eastern Regional Interstate Child Support Association (ERICSA) is a not-for-profit organization whose mission is to build a stronger child support community to enhance the well-being of families. ERICSA membership is comprised of child support professionals from government agencies at the federal, state, tribal and local levels; private sector organizations; attorneys; and members of the judiciary. ERICSA's advocacy includes recommending and responding to changes in federal child support laws and regulations; reporting differences in child support policy and procedure among jurisdictions; and delivering innovative professional training to front-line child support staff and managers with particular emphasis on intergovernmental case processing.

ERICSA is pleased to submit these comments in response to the Notice of Proposed Rulemaking (NPRM), published in the May 31, 2024, Federal Register, 89 FR 47109. The NPRM proposes to allow federal financial participation (FFP) for employment and training services to parents struggling to pay child support. ERICSA enthusiastically

supports this proposed rule as a progressive measure to alleviate family poverty by supporting the whole family and ultimately ensuring reliable child support payments through sustainable employment.

## **I. ERICSA's Comments Supporting the NPRM**

As with the proposed rule issued by OCSS (then OCSE) in 2014, ERICSA endorses FFP to Title IV-D programs that provide employment and training services to parents who need to pay child support. In recognizing that several state IV-D agencies have piloted training and employment programs, OCSS has taken the proper move to approve these activities as eligible for FFP and recognize the importance of these resources in helping parents meet their child support obligations. ERICSA supports this important change so that states can have the necessary resources to offer these services to obligors having difficulty supporting their children due to employment barriers.

This proposed regulatory guidance aligns with the child support program's mission to promote responsible parenting and family self-sufficiency by supporting state IV-D agencies that recognize the importance of employment and training services for parents owing child support. Front-line workers and attorneys providing direct child support services often experience frustration with their current limitation to merely send parents to check on potential services offered in the community and question the effectiveness of these referrals, rather than being able to directly offer the services themselves. Although OCSS acknowledges that IV-D agencies are likely to outsource these services by directly partnering with providers, the proposed reimbursement ensures closer monitoring and establishes a closed-loop referral process, allowing the agency to more effectively track participation and outcomes. This ability to more closely track employment service compliance enables the program to reconsider enforcement actions against delinquent parents and, instead, implement the effective approaches demonstrated in the pilot programs outlined in the preamble to the NPRM.

A key feature of the allowable activities that ERICSA endorses in the provision of work supports is that of transportation assistance. Transportation assistance addresses a common barrier to employment, especially for parents whose job opportunities may be located far from where they live, especially in more rural areas. However, ERICSA does suggest one change (*see* II.4 below) to provide programs with the flexibility to reimburse parents for small transportation and other *de minimus* expenses critical to obtaining employment.

Finally, ERICSA commends OCSS for its decision to permit states the option to implement employment training services. This flexibility enables states to implement

programs in alignment with their existing priorities. The state option also provides states with the necessary time to thoughtfully plan and implement the program, including coordinating with other agencies to prevent service duplication and developing outcomes and key performance indicators to measure effectiveness.

## **II. ERICSA's Comments Recommending Changes to the NPRM**

ERICSA suggests a few improvements and changes to the NPRM that would result in a stronger final rule and offer greater benefits and flexibility to child support programs.

### *1. Duplicative Services*

The prior proposed rule allowing FFP for child support programs that provide employment and training services received overwhelming support from child support programs, nonprofit organizations like ERICSA, and fatherhood and other community-based support groups. ERICSA recognizes that there was some concern expressed about duplication of efforts if parents received services from more than one federally funded agency that may have resulted in the employment services provisions being excluded from the final rule.

Apparently to address any similar concerns with this NPRM, it provides that FFP is limited to “noncustodial parents who are . . . not receiving the *same employment and training service* under Temporary Assistance for Needy Families (TANF) (45 CFR part 261), Supplemental Nutrition Assistance Program Employment and Training program (7 CFR 273.7 and 273.24), Federal Pell Grant (34 CFR part 690), the U.S. Department of Labor Employment and Training programs authorized under Title I of the Workforce Innovation and Opportunity Act (20 CFR parts 675–688), the Adult Education and Family Literacy Act (AEFLA) program (34 CFR part 463), or the Vocational Rehabilitation program (34 CFR part 361).” (Emphasis supplied).

ERICSA believes that it is highly unlikely that a parent would participate in two employment and training programs that are funded by the federal government, much less that they would be receiving the exact same services, thereby triggering duplicative efforts and expenses. Instead, even in the rare circumstances that a parent is receiving services from more than one agency with federal funding, the parent likely is receiving different services that collectively will further boost employment opportunities.

OCSS states that it “does not want to make it impossible for states to provide employment and training services due to the unavailability of data needed to verify that such services are not being duplicated.” To this end, the proposed rule allows

“individual determinations” in the form of an “attestation” from the parent that they are not receiving the same employment and training services under the listed federal programs.

ERICSA recommends OCSS not require a formal attestation. It creates an unnecessary layer of complication for parents who are in need of help and struggling. It also creates needless bureaucracy that is time consuming and drains resources for programs. Instead, programs should be permitted to simply ask parents what services they are currently receiving and be allowed to craft employment and training service plans that complement, not duplicate, any current services. Formal attestations by the parent should not be required.

## *2. Ban on Services in Arrears Only Cases*

The NPRM also sets eligibility requirements that permit FFP only for employment and training services offered to parents with a current child support order. Arrears collection activities are a core and required component of the child support program. Employment and training services may be the only way that the parent is able to finally pay off their arrears.

Moreover, parents who owe significant amounts of child support debt *were never given* the opportunity to receive employment and training services. If they were, the child support debt may not exist today. It is unfair to deny these parents the resources that they needed then and *still need* now. Basic principles of equity demand that these parents are not continued to be excluded from valuable services that can help them pay off child support and move forward in life.

However, ERICSA realizes that OCSS and key stakeholders may have budgetary concerns with the proposed rule. Clearly, families with minor children are the most important subset of the caseload for these new services and resources. Therefore, if there are limited resources, focusing on parents with current child support orders may be justified because it underscores the program’s emphasis on children and family self-sufficiency. But at minimum, ERICSA recommends that OCSS revisit expanding employment resources to parents struggling to pay off their arrears periodically after the initial roll out of the final rule.

## *3. Exclusion of Parents Receiving Support*

In the NPRM, OCSS restricted a child support program’s ability to provide employment and training services holistically, with a family-centered approach, by deliberately

excluding custodial parents. While ERICSA agrees that the primary focus of employment and training services should be on the parent needing to pay support, there are many cases where the children could benefit from *both* parents being gainfully employed.

The child support program has changed significantly since its inception. Historically services emphasized collecting support for the custodial parent. The focus, however, has shifted toward providing services to both parents to attain and continue family self-sufficiency. While custodial parents have a greater array of federally funded employment and training services through programs like TANF, there are parents who may not qualify for those services but could benefit greatly from assistance. Again, principles of equity justify services be available to both parents or the program will continue to be lopsided in favor of one parent versus the other – instead of a family-centered approach to policy making. ERICSA recommends that OCSS consider expanding its criteria on qualifications for services to both parents with a focus on “family self-sufficiency.”

#### *4. Ban on Reimbursement to Parents Even if Critical and DeMinimus in Amount*

Finally, ERICSA praises the proposed rule allowing child support programs where appropriate, effective, and cost efficient to provide direct employment and training services directly to the parents they serve. ERICSA also agrees that the best outcomes for some programs may be to partner with established, successful community-based employment and training organizations for those services.

ERICSA, however, suggests that the proposed rule’s strict ban on any form of reimbursement to a parent would make direct services virtually impossible. There are several time-critical, *de minimus* expenses that a parent struggling to get employment may incur such as a \$2 bus ticket to go to an interview, \$25 fee to obtain a GED, or a \$30 uniform for a new job. Under the proposed rule, even these minimum costs “must be secured through service providers as opposed to allowing reimbursement to parents,” which is contrary to the flexibility to provide direct services. It also creates another hurdle to helping parents as quickly and effectively as possible.

The ban also is not consistent with other federally funded programs such as WOIA that does permit cash reimbursement. ERICSA suggests, therefore, that in the final rule child support programs be given the flexibility to provide reimbursement for necessary employment services, up to a set dollar amount threshold, in order to support direct services and help parents struggling with employment related issues.

### *5. Flexibility of States to Focus Employment and Training Services at Local Level*

In the proposed rule, there is a requirement that programs submit a state plan describing their employment and training services. OCSS should confirm in the final rule that states will be able to offer employment and training services specific to localities within their state. This flexibility is critical because of the varying needs of the labor market, existence and capacity of local employment programs, employment needs of noncustodial parents, and labor market outlook.

### **III. Conclusion**

ERICSA applauds OCSS for finally reissuing a proposed rule to bring these necessary and overdue changes to the services that child support programs can provide to parents who struggle to meet their financial obligations to their children due to unemployment and underemployment. With these four recommended changes, ERICSA believes that the final rule will provide tremendous benefits to the child support program and the families it serves.

Sincerely,

Loretta Everett  
President

