



ACF "Dear Colleague" Letter on State TANF and Child Support Cooperation Flexibilities (01-16-2025)

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Dear TANF and Child Support Administrators:

The Office of Family Assistance (OFA) and the Office of Child Support Services (OCSS) in the Administration for Children and Families (ACF) emphasize our collective commitment to serve communities and families better. In striving for this commitment, we encourage all state agencies that administer Temporary Assistance for Needy Families (TANF) and child support programs to review cooperation and good cause policies for flexibilities within child support cooperation requirements for TANF applicants and recipients. Specifically, states can reexamine policies and practices related to child support program referrals of families participating in the TANF program. We believe that efforts to review and use flexibilities can help reduce child poverty and barriers to accessing help, as well as improve overall well-being for families.

Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) included cooperation and good cause provisions to provide states with flexibilities that allow them to be responsive to the needs of their TANF families and direct more support to participating families.

Research demonstrates that child support payments lead to improved outcomes for children and families, specifically including increased parental involvement among non-custodial parents and stronger child developmental outcomes.^[1] Another study found that, for every dollar of child support received, the incomes of custodial mothers and their children increases by two dollars.^[2]

Below, we explain the cooperation requirement and provide several examples of possible actions that TANF and child support agencies may take to strengthen access to child support for TANF families and ensure orders are established in the best interest of the child. We encourage grant recipients to contact OFA and OCSS for support in implementing the strategies below in their local communities and in accordance with federal laws and regulations.

Cooperation Requirements

In federal law, both TANF and child support agencies have responsibilities related to administering the child support cooperation and good cause provisions. When a family applies for TANF, states must obtain an assignment of child support rights as a condition of providing TANF assistance to the family.^[3] The TANF agency obtains information from the applicant relevant to each child's paternity and need for child support services and "must refer all appropriate individuals in the family of a child, for whom paternity has not been established or for whom a child support order needs to be established, modified or enforced," to the child support agency.^[4] The Social Security Act (the Act) states that individuals applying for or receiving TANF assistance are required to "cooperate in good faith" with the child support program "for any child of the individual."^[5]

When the TANF agency refers the family for child support services, the child support agency opens a child support case and provides child support services, such as establishing paternity, establishing, modifying, and enforcing child support and medical support orders, and obtaining child support payments. The child support agency may close the case if the case qualifies for a good cause exception or other exceptions to cooperation as determined by the state,^[6] discussed further below, or the family applying for or receiving TANF is not appropriate for services (for example, if the child is living with both parents in an intact family).^[7]

Caretaker Relatives

In accordance with 45 CFR 264.30, states have discretion to define "appropriate individuals" to include or exclude caretaker relatives (also known as kinship caregivers) and may set standards for cooperation that differ for parents and non-parents.^[8] A state may require cooperation but apply a different standard when considering whether grandparents or other non-parents have cooperated in "good faith." The preamble to the 1999 TANF final rule recognized that non-parents may have different levels of information on an absent parent than a parent would and that applying a different standard to determine cooperation may be appropriate in these cases.^[9]

TANF grantees must refer all appropriate individuals to ensure cooperation with child support requirements, subject to good cause and other exceptions. ACF encourages states to review their child support referral requirements through a lens centered on the child's safety and well-being. This approach allows the IV-D agency to strengthen its current practices of processing appropriate cases and leads to better economic and well-being outcomes for families and children.^[10]

Intact Families and Missing Parents

There are child support considerations for TANF clients whose otherwise intact families are separated or where one parent is missing through circumstances beyond their control, such as due to political violence in another country. These families may apply for TANF with one parent absent who is still part of an intact family but unable to join the family.

Referrals to child support for these families can be disruptive and re-traumatizing. Separated families may be reluctant to provide information on an absent parent for fear of endangering them, or they may be unable to provide information about a missing parent. Families in this situation could have their TANF benefits disrupted for weeks or months if they are referred to child support and found to not have good cause or qualify for any other exception for not cooperating. In accordance with section 454(29)(A)(i) of the Act, ACF recommends that TANF grantees not refer such cases to the state IV-D agency for the establishment of a support order if the sole reason is a lack of information regarding a missing parent or absent parent who is still part of an intact family but unable to join the family in the United States due to such circumstances.

Good Faith

The child support statutory requirement to cooperate in “good faith” indicates that there may be extenuating circumstances that a state should consider when evaluating whether an individual is cooperating with the program. We encourage states to examine whether their current policies and practices allow for a review of an individual’s specific circumstances in determining whether the individual is making a “good faith” effort to cooperate, rather than making “one size fits all” decisions that may not consider the details of the situation. [\[11\]](#)

Good Cause and Other Exceptions to Cooperation under Title IV-D

In the original TANF final rule, OFA emphasized that agencies may determine whether the individual has good cause for not cooperating in establishing paternity or fulfilling any other cooperation requirement. [\[12\]](#) In section 454(29)(A) of the Act, the child support agency determines whether an individual referred for child support services has met the cooperation requirement. That TANF final rule clarified this point and explicitly recognized that victims of domestic violence could receive waivers of child support cooperation requirements if a state has adopted the Family Violence Option (FVO). [\[13\]](#)

The cooperation requirement is subject to “good cause and other exceptions” as defined by the state by “taking into account the best interests of the child.” [\[14\]](#) Aid to Families with Dependent Children (AFDC), the cash assistance program that preceded TANF, limited the definition of “good cause” to rape, incest, adoption, and domestic violence. By directing states to adopt “good cause and other exceptions,” the IV-D statute allows for a broader set of exceptions that go beyond the previous definitions of “good cause” under AFDC. States have the flexibility to adopt additional exceptions to cooperation. We encourage states to consider additional recurring circumstances that might warrant an exception to cooperation, as well as to incorporate a flexible “best interests of the child” standard to allow for consideration of individual circumstances meriting an exception, as discussed below. Note that the state must still obtain an assignment of child support rights, but the state can determine not to pursue child support based on good cause or another exception established by the state in accordance with section 454(29) of the Act. [\[15\]](#)

Best Interest of the Child

Federal law requires child support programs to account for the “best interests of the child” when defining good cause and other exceptions to the cooperation requirement.^[16] Joint guidance issued in **DCL-22-06** (PDF) from OCSS and the Children’s Bureau points out that it is likely that “[R]educing a parent’s income impedes their ability to engage in reunification efforts, potentially extending the time the child spends in foster care.” Inappropriate child support requirements can “...negatively impact a family that is trying to develop and maintain familial and economic stability to reunify with their child. It is not in the best interest of any family to be pursued for child support when they have already been whipsawed by economic insecurity, family instability, and separation.” Examples of cases where the pursuit of child support may be against the child’s best interest include when pursuit could:

- Jeopardize the stability of the child’s placement with the kinship caregiver; and
- Create barriers to successfully implementing reunification plans.

We remind states to incorporate the “best interests of the child” standard into their definitions of good cause and other exceptions, and to allow for exceptions on a case-by-case basis when pursuing child support may be harmful to the child.

Family Violence Option (FVO) under Title IV-A

Section 402 of the Act includes the FVO, a provision by which a state TANF agency may establish standards and procedures to screen and identify individuals with a history of domestic violence, refer them to supportive services, and waive the child support cooperation and other TANF requirements pursuant to a determination of good cause.^[17] A state TANF agency may use these waivers, called “federally recognized good cause domestic violence waivers,” to excuse a TANF applicant or recipient from child support cooperation for six months at a time.^[18]

We know from federal TANF data that the number of families with a “good cause” exemption from the work participation rates due to intimate partner violence (IPV) is quite low, just 0.5 percent in FY 2022,^[19] compared to the estimate that 50 to 60 percent of TANF recipients have experienced IPV at some point in their lives.^[20] Challenges persist in identifying TANF recipients who are at serious risk of IPV. Congress recognized this challenge in 2022, adding a certification and training requirement to TANF state plans.^[21]

The FVO represents a way for state agencies to improve access and reduce barriers to aid for survivors of IPV. When an individual is at risk of IPV, a state may grant a “good cause” exception or a federally recognized good cause domestic violence waiver.

We encourage state TANF and child support agencies to undertake additional efforts to connect survivors of IPV to assistance and reduce barriers, including:

- Establishing a screening process that focuses on identifying survivors and connecting them to needed supports rather than disqualifying applicants;

- Providing training for caseworkers to help survivors of IPV;
- Informing TANF applicants and recipients of the supportive services available to them if they have experienced IPV; and
- Reviewing and updating child support cooperation policies to reflect current research on IPV and family interactions more broadly.

Conclusion

ACF takes every opportunity to reinforce our commitment to improving outcomes for each family we serve. To achieve that goal and to advance well-being for children and families, we are committed to strengthening our partnerships with state and local governments. Together, in partnership with you, we will continue to work hard to find innovative ways to support parents and remove barriers to reunifying families as quickly and safely as possible, and to ensure that our programs effectively meet the needs of the families we serve.

We appreciate your continued dedication to serving families. Should you have any questions or need further assistance, please do not hesitate to reach out to us. Thank you for your hard work and partnership.

Sincerely,

/s/

Tanguler Gray

Commissioner, OCSS

/s/

Ann Flagg

Director, OFA

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[1] Elaine Sorensen, "The Child Support Program is a Good Investment," OCSS, 2016,

https://www.acf.hhs.gov/sites/default/files/documents/ocse/sbtn_csp_is_a_good_investment.pdf (PDF).

[2] Garfinkel, I., Heintze T., & Huang, C. (2001). Child Support Enforcement: Incentives and Well Being. In Meyer, B. & Duncan, G. (Eds.). The Incentives of Government Programs and the Well Being of Families. Chicago, IL: Joint Center for Poverty Research.

[3] Section 408(a)(3) of the Social Security Act.

[4] 45 CFR 264.30(a)(1).

[5] Section 454(29)(A).

[6] Section 454(29)(A); 45 CFR § 303.11(b)(14).

[7] Section 454(4)(A); 45 CFR § 303.11(b)(5) and (b)(20).

[8] 45 CFR § 264.30(a)(1); See 64 FR 17850 (April 12, 1999).

[9] See 64 FR 17850 (April 12, 1999).

[10] Garfinkel, Irwin & Heintze, Theresa & Huang, Chien-Chung. (2002). Child Support Enforcement: Incentives and Well-Being. JCPR Working Paper.

[11] Section 454(29).

[12] See 64 FR 17850 (April 12, 1999).

[13] 45 CFR §264.30(b).

[14] Section 454(29)(A)

[15] See *also* 45 CFR 303.11(b)(14) & (20) permitting the IV-D agency to close a case based on good cause or other exceptions to cooperation.

[16] Section 454(29)(A)(i)

[17] Section 402(a)(7)

[18] 45 CFR § 260.52. See 64 FR 17720, 17742 (April 12, 1999).

https://www.acf.hhs.gov/sites/default/files/documents/ofa/1999_tanf_full_preamble_and_rule.pdf (PDF).

[19] Administration for Children and Families, work participation rate data for FY 2022, posted [online](#) (PDF).

[20] Tolman, R.M. and Raphael, J. (2000), A Review of Research on Welfare and Domestic Violence. Journal of Social Issues, 56: 655-682. <https://doi.org/10.1111/0022-4537.00190> 

[21] See TANF-ACF-PI-2022-02, found online [here](#). We remind states that this certification involved several elements, which were explained in Program Instruction.

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