

# **Strengthening Families for Success Act of 2020**

## *Section-by-Section*

### **TITLE I – Promoting Responsible Fatherhood and Strengthening Low-Income Families**

#### **Section 101. Reauthorization of Healthy Marriage Promotion and Responsible Fatherhood Grants.**

This section would reauthorize the Healthy Marriage Promotion and Responsible Fatherhood (HMRF) grant programs for five years (through fiscal year 2025). These grants provide funding to community-based programs aimed at strengthening relationships between parents and providing parenting education and support.

This section would also make the following improvements to the HMRF grant programs:

- Ensure voluntary participation in Healthy Marriage Promotion and Responsible Fatherhood (HMRF) programs by prohibiting states from conditioning receipt of Temporary Assistance for Needy Families (TANF) benefits or other benefits associated with federal child welfare program and services funded by Title IV-B or Title IV-E of the Social Security Act on program participation. States found to have violated this provision will be subject to a five percent reduction in their Family Assistance Grant the following fiscal year.
- Update eligibility for HMRF grants to include states, territories, Indian tribes or tribal organizations, public or private entities, and nonprofit community entities regardless of purpose for the grant (healthy marriage promotion, responsible fatherhood, or for both purposes).
- Improve access to grants for territories and tribes by requiring the Department of Health and Human Services (HHS) to award at least 10 HMRF grants to territories and Indian tribes or tribal organizations.
- Expand activities allowable for Responsible Fatherhood grants to include:
  - promoting healthy relationships or sustaining healthy relationships between custodial and noncustodial parents in addition to marriage;
  - educating youth who are not yet parents about the economic, social, and family consequences of early parenting, and helping participants in fatherhood programs work with their own children to break the cycle of early parenthood; and
  - employment training for both the custodial and noncustodial parent, including training conducted with both parents jointly.
- Emphasize that activities aimed at addressing parental education and employment be prioritized for low-income fathers and other noncustodial parents.
- Ensure HMRF program services could be offered during a public health emergency. Entities applying for grants would be required to describe how funds would be used for technology and broadband access to support remote program activities, and describe how the entity would continue critical services within three weeks from the beginning of a public health emergency or other incident that compromises service delivery.
  - A public health emergency would be defined via declaration of a national or public health emergency by the president or HHS Secretary or via declaration of an emergency relating to public health by a Governor or other appropriate official of any state, the District of Columbia, territory, or locality of the United States.

Establish evaluations examining activities carried out using HMRF grant funds to build evidence of the effectiveness of the activities, determine the lessons learned (including barriers to success) from the activities, and help build local evaluation capacity. Additionally, this section would require HMRF grantees to submit three- and five-year reports detailing impacts on outcomes, and direct the HHS Secretary to issue a report to Congress summarizing the three- and five-year grantee reports. This section also requires the HHS Secretary to provide technical assistance to the grantee to help develop and implement ways to evaluate and improve outcomes for families served.

## **TITLE II – Improving Resources for Domestic Violence Intervention and Family Strengthening**

### **Section 201. Best practices for coordination and partnerships between domestic violence shelter and service organizations and responsible fatherhood and healthy marriage promotion programs.**

This section would require the HHS Secretary to develop a coordinated policy that establishes criteria and best practices for coordination and partnership between domestic violence shelter and service organizations and programs promoting responsible fatherhood and healthy marriage. The HHS Secretary would be required to update and reissue this guidance at least once every five years.

### **Section 202. Grants supporting healthy family partnerships for domestic violence intervention and prevention.**

This section would appropriate \$25 million per year for fiscal years 2022-2025 to establish a new grant program to support healthy family partnerships for domestic violence intervention and prevention. This grant program would provide funding for staff training, assessing, and providing domestic violence intervention and prevention services, and disseminating best practices. Funds could be used to provide caseworker training, technical assistance to community partners, implement safe visitation and exchange programs, and implement safe child support procedures. Eligible grantees would be organizations with demonstrated expertise working with victims and survivors of domestic violence who have partnered with federal HMRF grantees or participants in the Parenting Time Services Pilot program.

### **Section 203. Procedures to address domestic violence.**

This section would require HMRF grantees to coordinate with the State Domestic Violence Coalition funded by the Family Violence Prevention and Services Act. HMRF grantees would be required to identify and partner with a domestic violence service or shelter organization, commit to consulting domestic violence experts or relevant local organizations, and provide a detailed, evidence-based protocol for identifying and responding to instances and risks of domestic violence that arise among program participants. HMRF grantees would be required to submit a report annually to HHS describing the grantees' domestic violence protocols and describe any implementation issues identified with respect to domestic violence and how the issues were addressed.

### **TITLE III – Modernization of Child Support Enforcement**

#### **Section 301. Pilot program to stop automatic child support enforcement against noncustodial parents participating in a healthy marriage or responsible fatherhood program.**

This section would direct the HHS Secretary to establish a four-year pilot program of at least 10 eligible entities to test whether stopping automatic child support enforcement and ending cost recovery efforts improve family outcomes in cases when the noncustodial parent is in good standing in a federal or state funded HMRP program or any state program designated as eligible by the State agency. Under this pilot program, eligible entities would not be subject to the TANF requirements to refer certain cases to child support enforcement or apply penalties against the child's family based on the custodial parent's noncooperation with child support activities. The pilot program would begin in fiscal year 2022 and end in fiscal year 2025 and would require eligible entities to collect and report data the HHS Secretary requires as necessary to examine the impact of the pilot on family outcomes. This section would also direct the Government Accountability Office (GAO) to conduct a study examining the implementation and impact of the pilot program. The GAO would be required to submit a report to Congress summarizing study findings by January 1, 2026.

#### **Section 302. Closure of certain child support enforcement cases.**

This section would direct states to close child support enforcement referrals in instances where the custodial and noncustodial parents of the child comprise an intact two-parent household for the child (even if a parent is temporarily living elsewhere) and the custodial parent of the child has not requested that the case record be kept open or enforced.

### **TITLE IV – Parenting Time Services Pilot Program**

#### **Section 401. Parenting time services pilot program.**

This section would establish a new five-year Parenting Time Services pilot program to promote the inclusion of uncontested parenting time agreements in child support orders. The pilot program would begin with fiscal year 2022 and end in fiscal year 2026. The HHS Secretary would be required to select at least 12 state, local, or tribal agencies to receive funding, including at least two tribal agencies. The pilot program would not be required to be budget neutral. For the first two years of the pilot program, the federal government would provide 100 percent of the funding. In years three to five, the federal share of funding would be 66 percent (and 80 percent in the case of tribal agencies).

Funds could be used to provide support to states to conduct activities such as: establishing parenting time plans in conjunction with the establishment of a child support order; coordinating with the custodial and noncustodial parent when establishing a parent time plan; supervising and facilitating parents' in-person and virtual visitation and access to their children; providing parents with legal information and referrals related to parenting time; coordinating with domestic violence prevention organizations; and employing a staff member to serve as a domestic violence coordinator. This section would also require that pilot program participants establish and implement procedures to address domestic violence including evidenced-based protocols to identify and respond to instances of domestic violence and situations where there is a risk of domestic violence.

This section would require pilot program participants to collect and report any data related to the pilot program required by HHS. The HHS Secretary would be required to conduct a comprehensive evaluation, including an assessment of the process used to assist parents in establishing parenting time agreements; an assessment of the access barriers to establishing and complying with parenting time agreements; data on incidence and prevalence of domestic violence between custodial and noncustodial parents during the course of the pilot program; and impacts of the pilot program. The HHS Secretary would be required to submit a report to Congress summarizing findings from this evaluation within a year after the pilot program ends.

## **TITLE V – Improvements to the Child Support Pass-Through Requirements**

### **Section 501. Child support pass-through program improvements.**

Current law requires that at least a portion of child support payments made to TANF and Title IV-E foster care maintenance payment recipients be captured by the state and shared between the state and the federal government in the form of cost recovery, rather than directly support children and families.

This section would require that full current child support payments and arrearages for current and new TANF recipients be paid directly to these families beginning in FY 2026. Under these new distribution rules, cost recovery would be eliminated for current TANF families in FY 2024 and would be eliminated for former TANF families in FY 2026. In FY 2022 and FY 2023, states would receive a temporary increase in the Federal Financial Participation (FFP) rate to 90 percent to assist in transitioning their systems. This section would also allow states the option to eliminate cost recovery for former TANF families earlier. If states opt to implement the new distribution rules for former TANF families in FY 2024 or FY 2025, states would receive an additional increase in the FFP rate to 90 percent for the quarters in which they are implementing.

Additionally, this section would require that full current child support payments for current and new Title IV-E foster care maintenance payment recipients be made available to the foster parent of the child, kinship caregiver, or person responsible for meeting the child's daily needs. These payments must be used for the child's benefit or be deposited into a savings account to be used for the child's future needs in event the child is reunified with the family from which the child was removed. This section would also require any child support collected that exceeds the current support amount and any arrearages to be deposited into a savings account to be used for the child's future needs. These new distribution rules would take effect in FY 2024.

This section would also direct GAO to study the implementation and impact of the new distribution requirements for a child receiving Title IV-E foster care maintenance payments. GAO would be required to submit a report to Congress on the results of the study by January 1, 2027.

### **Section 502. Ban on recovery of Medicaid costs for births.**

Current law allows states to recover birth expenses paid by Medicaid through child support obligations, rather than provide support to children and families. This provision would ban Medicaid-cost recovery for births in FY 2026 and would provide an option for states to implement earlier.

**Section 503. Improving state documentation and reporting of child support collection data.**

This section would require states to maintain a full record of collections and disbursements under these new distribution rules and document outcomes with respect to child support obligations. Additionally, this section would require this information to be included in the HHS Secretary's annual report.

**TITLE VI – Program Flexibility During the COVID-19 Pandemic**

**Section 601. Emergency TANF flexibility.**

This section would provide states with the option to suspend penalties for noncustodial parents for inability to pay child support during the COVID-19 pandemic, since some courts have suspended non-emergency proceedings, including those related to modifying child support orders. It also would suspend federal requirements to penalize custodial parents (via TANF) and noncustodial parents (via Child Support Enforcement) for failure to comply with paternity establishment rules.

This section would suspend financial penalties and generally hold states financially harmless for failure to meet strict targets and state plan and operational requirements during the COVID-19 pandemic. The flexibility means states would continue to receive federal child support incentive payments even if they fall below the 90 percent paternity establishment threshold. This section also would allow the HHS Secretary to, wherever possible, provide tribal child support programs with the same flexibilities as those afforded to state programs.

**Section 602. 2020 recovery rebates not subject to reduction or offset with respect to past-due support.**

Under Section 2201 of the CARES Act, Congress provided for “recovery rebates” of up to \$1,200 for qualifying individuals, along with an additional \$500 per dependent child. The CARES Act did not protect the payment from child support offsets. This section would exempt payments from Internal Revenue Service (IRS) offsets for child support for any credits and refunds allowed or made after the date of enactment of this Act.

**Section 603. Protection of 2020 recovery rebates.** This section would protect CARES Act 2020 recovery rebates from being garnished by private debt collectors. For any electronic payments, such as direct deposit, this section would direct the Treasury Department to encode payments so that banks can identify and protect these payments from being garnished by debt collectors. For other payments, such as checks, this section would allow individuals to request that their banks or other financial institution protect the payments from being garnished by debt collectors and authorizes the financial institutions to do so.

**TITLE VII – Effective Date**

**Section 701. Effective date.**

Except as otherwise noted, provisions of this bill would take effect on the date of enactment.