

July 16, 2024

Commissioner Tangler Gray
Office of Child Support Services
330 C Street, S.W.
Washington, D.C. 20201

Dear Commissioner Gray,

On behalf of the American Public Human Services Association (APHSA), the bipartisan national membership association for state, county, and city human services agencies, we are writing to express our strong support and share recommendations that will promote successful implementation of the proposed rule entitled *Employment and Training Services for Noncustodial Parents in the Child Support Program* RIN 0970-AD00. Representing the perspective of public agencies with oversight of existing employment and training programs through the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) program, as well as many of the agencies that operate IV-D child support programs, APHSA has a unique perspective for how to stand up employment and training services within child support programs while simultaneously aligning these services with the existing continuum of employment and training programs.

In recent years, child support programs have embraced the opportunity to reimagine their role as a family-strengthening system, recognizing the harm and distrust that a historically narrow focus on enforcement and collections has caused for noncustodial parents. The availability of an optional employment and training service for noncustodial parents reflects a viable path to continue the transformation of the program into a supportive service for all members of a family unit. We commend the Administration's efforts to move the child support program in a positive direction.

Through a series of discussions with child support, TANF, SNAP E&T, and WIOA leaders within public agencies, APHSA has surfaced several important issues and recommended solutions that would maximize the rule's promotion of positive economic outcomes and child support payment rates for noncustodial parents. As the Administration considers a final rule, we urge the Office of Child Support Services (OCSS) to consider making changes to who is eligible to participate in IV-D employment and training services, clarify what services are eligible for funding, and to address potential operational

barriers for integrating IV-D employment and training services with existing work supports that noncustodial parents frequently interact with.

Eligibility for IV-D Employment and Training Services

The proposed rule excludes noncustodial parents with arrears-only cases from accessing Federal Financial Participation (FFP) for employment and training services based on the rule's stated purpose to "increase the consistency of current support payments to families with minor children." This distinction to focus only on increasing consistency of "current support payments" unnecessarily limits the potential benefits of the proposed rule. Uncollected arrears represent an outsized share of child support obligations and are most commonly held by noncustodial parents with extremely low incomes. Access to employment and training services, paired with other arrearage reduction strategies, can be highly effective in promoting positive work outcomes and economic support for noncustodial parents, and are likely to benefit many minor children who are also often participants in arrears-only cases.

Further, if arrears-only cases are excluded from IV-D employment and training services, states will need to screen between arrears-only cases that must be funded through other employment and training programs and current support cases eligible for IV-D funding, adding unnecessary complexity in administration across child support and other programs such as TANF. This distinction creates potential fragmentation and complexity in services for noncustodial parents.

Recommendation: We encourage OCSS to include arrears-only cases in the eligibility rules for these allowable employment and training services.

Allowable Activities for IV-D Employment and Training Services

The proposed rule strongly encourages child support agencies to partner wherever possible with existing employment and training providers and collaborate with American Job Centers as well as TANF, SNAP E&T, and WIOA agencies. However, these programs each define employment and training services slightly differently and the new proposed IV-D employment and training services establishes its own list of eligible activities. Table 1 below maps the different ways in which the proposed rule aligns and misaligns with existing activities defined in TANF and SNAP employment and training programs.



Table 1. How Do the Eligible Services Included in the NPRM Correspond to TANF Activities and SNAP E&T Components?

Activity/Service	CS NPRM Eligible Services	TANF Core/Non-Core Activities	SNAP E&T Components
Job search assistance	X	X	X
Job readiness training	X	X	
Job development and job placement services	X		
Skills assessment to facilitate job placement	X	(No, but typically already included)	(No, but typically already included)
Job retention services	X		X
Work Supports	X		X
Occupational training and other skills training directly related to employment	X	X	X
Case management	X	(No, but required)	(No, but required)
Unsubsidized employment		X	
Subsidized private-sector employment		X	X
Subsidized public-sector employment		X	X
Work experience		X	X
Self-employment programs			X
Community service programs		X	
Vocational education training		X	
Child care services for individuals participating in a community service program		X	

The above table shows that the proposed rule includes some eligible activities that appear similar though are named and defined somewhat differently, yet it also excludes certain activities that are used in TANF and SNAP E&T which are proven to be effective.

- For example, TANF uses the term “vocational education training” whereas the proposed rule uses “occupational training” to describe training for a specific job or trade. Additionally, the proposed rule uses similar but slightly different definitions than TANF



- for what constitutes a “work support” whereas SNAP E&T has a similar but different approach for providing “participant reimbursements.”
- Conversely, whereas both TANF and SNAP E&T include work-based learning programs such as subsidized employment and work experience as allowable activities, the proposed rule expressly excludes subsidized employment as an allowable expense and is silent to work experience as an allowable activity. This comes despite the proposed rule citing several studies that found such activities were effective in improving outcomes for noncustodial parents.

Recommendation: We recommend that OCSS seek to better align its definition and description of eligible employment and training activities with existing programs in the final rule and work closely with USDOL-ETA, USDA-FNS, and HHS-ACF to release joint guidance and technical assistance providing operational definitions for each of these services and how they align or differ with other programs. For example, would “vocational education training,” a core activity within the TANF program, be considered within “occupational training and other skills training directly related to employment”?

Recommendation: When defining “work support” we recommend that FFP provide states adequate flexibility and options to use funding to meet individual and population-specific needs. For example, a noncustodial parent that is experiencing homelessness may have needs such as temporary housing or access to hygiene products in order to find and retain employment. The flexibility to access FFP for such services, while not creating unfunded mandates that may create financial barriers for states interested in using IV-D employment and training services, is necessary.

Recommendation: We recommend OCSS include “subsidized employment” and “work experience” as eligible employment and training services. As the NPRM mentions, the Texas Workforce Commission established the Noncustodial Parent (NCP) Choices program that provided noncustodial parents many services including subsidized employment/work experience; when evaluated, the program demonstrated a 47% increase in child support collection rates. Other studies¹ also show that including subsidized employment as an eligible E&T service for this population will correlate with longer-term employment retention and increased frequency of child support payments.



Aligning Service Delivery with Existing Employment and Training Services

APHSA agrees with ACF that by partnering with other programs, child support programs can broaden the types of services they provide to parents paying child support and maximize efficiency and effectiveness in service delivery. However, for other programs to coordinate with child support and ensure that IV-D funds are used effectively to help parents paying child support to obtain and maintain employment while avoiding duplication of services, more direct guidance is needed in certain places and more explicit direction in rulemaking will be needed in others. In addition, county-administered states face increased challenges in maintaining consistent program standards, accountability across counties, and sharing and collecting statewide data. Across each of these recommendations, careful thought and clear guidance and direction should be given to the challenges county-administered states will face, as administration of these regulatory changes will be more complex for these states. Specifically, we recommend the following:

Recommendation: We recommend USDOL-ETA and HHS-ACF work closely with one another in drafting joint guidance and technical assistance related to (a) how to co-enroll a parent paying child support in multiple employment and training programs (e.g., SNAP E&T and Child Support). For example, should there be a prioritization of funds from one source versus another?

Recommendation: We recommend OCSS clarify that for states that choose to co-locate IV-D employment and training services with American Job Centers or similar workforce development hubs, FFP may be used to support shared infrastructure costs, such as rent, consistent with OMB cost allocation principles.

Recommendation: We recommend that OCSS clarify in the final rule (and not just the preamble) that self-attestation, such as a verbal confirmation from the noncustodial parent that they are not receiving duplicated services from other federal programs, is allowable. Further, we recommend that OCSS clarify that if a noncustodial parent attests as such and is later found to have received duplicated services, the IV-D agency will not be liable for repayment of such costs. Each situation will carry significant nuance when determining what is and isn't a duplicative service; child support agencies should have flexibility in determining whether an erroneous self-attestation was found to be intentional or not.



Recommendation: We recommend that OCSS work with other agencies to issue joint guidance on how agencies comply with non-duplication requirements for case management services, which a dually-enrolled individual may receive in multiple programs. Such guidance should also address where it may be appropriate to bundle case management services through a single caseworker and how to allocate such costs across IV-D and other programs that individual may be participating in.

Recommendation: We recommend child support agencies that elect the state option to use FFP for employment and training services be included as optional partners of combined WIOA state plans. In order for states to establish a coordinated, nonduplicative set of employment and training services with other federally-funded programs, child support agencies should leverage the existing public workforce system, namely, state workforce agencies in accomplishing this.

Recommendation: We recommend OCSS clarify that FFP for administrative costs related to set-up and on-going administration of employment and training services, such as staffing, technology, training, and outreach, is eligible. We also note that upfront costs will be significant. To the extent available, OCSS should make available grants to support infrastructure investments that do not require state match.

Recommendation: We recommend that in forthcoming guidance, OCSS align reporting requirements pertaining to IV-D employment and training services with the performance measures and timing of existing employment and training programs to the maximum extent possible.

Recommendation: We recommend that in forthcoming guidance, OCSS encourage states who elect to use FFP for employment and training services for noncustodial parents to collaborate with fatherhood programs and initiatives in their state. The Office of Family Assistance competitively awards Healthy Marriage and Responsible Fatherhood (HMRP) grants to states, counties, tribal entities and community-based organizations who are working to help participants build and sustain healthy relationships and marriages, and to strengthen positive father-child interactions. Currently there are [30 FRAMEWorks grantees](#), [57 Fatherhood FIRE grantees](#), and [24 READY4LIFE grantees](#) who are another critical



partner in a region's continuum of employment and training services; state child support agencies should also explore collaborating with fatherhood programs serving noncustodial parents in their state.

Thank you for your continued efforts to make the child support program more effective. For further questions or discussion, please reach out to Rebekah Sides, Policy Associate for Social and Economic Mobility at rsides@aphsa.org or Khristian Monterroso at kmonterroso@aphsa.org.

Sincerely,



Matt Lyons
Senior Director, Policy and Practice
American Public Human Services Association



Kelly Garcia
Chair, Leadership Council
American Public Human Services Association



Patara Horn
Chair, National Association of State TANF
Administrators (NASTA)
American Public Human Services Association



ⁱ The Center for Community Alternative (CCA) in Syracuse, NY implemented a Parent Success Initiative (PSI) that provided noncustodial parents with low incomes support to finding work with the goal of improving participants' employment and ability to pay child support. Participants were connected to subsidized transitional jobs. Participants were found to have increased short-term earnings and increased short-term & long-term employment. See <https://pathwaystowork.acf.hhs.gov/intervention-detail/567>.

Additionally, the San Francisco Mayor's Office of Economic and Workforce Development implemented a TransitionsSF program that supported unemployed and underemployed noncustodial parents in finding and maintaining work with the goal of improving participants' employment outcomes and ability to pay for child support. Similarly, participants were found to have increased short-term earnings and increased short-term & long-term employment. See <https://pathwaystowork.acf.hhs.gov/intervention-detail/565>.

It is worth noting that neither of these programs solely offered subsidized employment/work experience; however, subsidized employment/work experience, when combined with other job services such as job-readiness training, GED classes, digital literacy, job search assistance, case management, job development and placement, employment retention services, and/or legal assistance, demonstrates consistently improved employment and earning outcomes for noncustodial parents.

