

# DCF LEGISLATIVE TESTIMONY



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## **TESTIMONY OF**

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Kansas Department for Children and Families

## **TESTIMONY ON**

Child Support and Public Assistance programs

### **Chair**

Representative Averkamp

### **Vice Chair**

Representative Howell

### **Ranking Member**

Representative Meyer

**and**

**Members of the Committee**

## SUMMARY OF ISSUE

Child support collection is a component in three public assistance programs DCF administers. Federal regulation requires mandatory cooperation for child support services for the cash program Temporary Assistance for Needy Families. United States Department of Agriculture allows as a state option mandatory cooperation in order to receive food assistance (SNAP Supplemental Nutrition Assistance Program). Finally, Health and Human Services/Administration for Children and Families allows mandatory child support cooperation for individuals receiving child care assistance.

During the last few years it has become apparent how vital child care assistance is for working families and their employers. It is important that the agency have the ability to quickly react to changes in the economy, not only on a statewide level but changes at the a local level as well. Child support services is available to Kansans regardless of income, so tying those services to safety need programs adds an administrative layer and may deny families much needed support.

A review of the last several years data indicate that very few cases were penalized in the child care assistance program for noncooperation with child support services. Recent estimates are 22 child care noncooperation cases each month.

The Childcare Assistance program provides subsidies to eligible families to help them pay childcare costs. These subsidies are funded through the federal Child Care Development Fund, (CCDF) a fund provided to states annually to improve childcare services administered by US Department of Health and Human Services, Administration of Children and Families, Office of Childcare.

In order to be eligible, families must have income at or below 250% of the federal poverty/state media income and the adult(s)/caretaker(s) in the home must also be employed at least 20 hours per week or participate in a work program. Most families must contribute a share of their childcare expenses and assistance amounts vary based on individual circumstances and income. Benefits are provided to families monthly via an EBT card which can only be used at DCF enrolled childcare providers.

The bipartisan Child Development and Block Grant Act of 2014 , signed into law on November 19, 2014, reauthorized CCDF for the first time in nearly 20 years. The Act made sweeping changes intended to improve the health, safety, and quality of child care, and provide more stable child care assistance to families. Although it still contained language that allowed for child support cooperation it introduced new regulations for 12 month eligibility period. This provision prohibits states from ending benefits in that 12 month period for noncooperation. This puts the two policies in conflict and it is up to states to reconcile the two policies.

## Penalties

When a parent fails to cooperate with CSS , the mandatory filing unit of the child for whom the parent failed to cooperate shall be ineligible. A CSS penalty applies to both TANF and Child Care, regardless of whether or not both programs were open when the non-cooperation occurred. The period of ineligibility for cash and child care assistance is as follows :

First Penalty: The Mandatory Filing Unit (MFU) will be ineligible for cash and child care benefits a minimum of 3 months and must be in compliance with Child Support Services to effectively cure the penalty and restore eligibility for cash and/or child care benefits at the end of the 3 month period.

Second Penalty: The MFU will be ineligible for cash and child care benefits for a minimum of 6 months and must be in compliance with Child Support Services to effectively cure the penalty and restore eligibility for cash and/or child care benefits at the end of the 6 month period.

Third Penalty: The MFU will be ineligible for cash and child care benefits for a minimum of 12 months and must be in compliance with Child Support Services to effectively cure the penalty and restore eligibility for cash and/or child care benefits at the end of the 12 month period.

Fourth Penalty: The MFU will be ineligible for cash and child care benefits for a minimum of 10 years.

Food Assistance has two state options that are available. The first is requiring cooperation from the custodial parent that is receiving the public assistance benefits. The USDA regs allow for the adult that is not cooperating to be removed from the food assistance benefits. Once they have cooperated they are added back to case. The second state option allows for penalizing a noncustodial parent that is receiving benefits and not cooperating with child support services. This can be either not returning paperwork or responding to inquires or being in nonpayment status of child support orders. The noncustodial parent could be removed from receiving food assistance benefits for themselves but any remaining household members would continue to receive benefits.

It is estimated this could affect around 6,000 cases or 31% of food assistance cases with children are likely to have an adult in child support nonpayment status.