



www.legalaiddc.org
1331 H Street, NW
Suite 350
Washington, DC 20005
(202) 628-1161

**Testimony of Meridel Bulle-Vu
Supervising Attorney, Family and Domestic Violence Unit**

**Before the Committee on the Judiciary and Public Safety
Council of the District of Columbia**

**Budget Oversight Hearing Regarding
Office of the Attorney General**

April 22, 2026

Legal Aid¹ submits the following testimony to encourage the Council to incorporate into and enact as part of the Budget Support Act Bill 26-0572, the Child Support Improvement Amendment Act of 2026; to appropriate the approximately \$300,000 necessary to reprogram the Legacy DCSES system to be prepared to implement the next phase of the increased pass-through in FY2028; and to provide the capital costs necessary to continue with the DCSES Modernization process, the completion of which is necessary for implementation of the full pass-through.

The Child Support Improvement Amendment Act includes key pieces that will create a more effective and fair child support system in the District: a phased-in full pass-through of all child support to families who are receiving, or have received, TANF and clear limits on how long past due child support remains debt. Legal Aid urges the Council to pass them now as part of this year's Budget Support Act and to fund the computer upgrades necessary to implement the pass-through as soon as possible.

The Council Should Enact the Child Support Improvement Amendment Act to Fully Pass-Through All Child Support to Families Currently or Formerly on TANF

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

The Child Support Improvement Act can revolutionize our child support system by ensuring that *all* child support payments go to the child. When it comes to our city's poorest children, our "child support system" is a misnomer. Every year in the District, millions of dollars in child support payments never reach the children they are meant to help. When a parent pays child support for a child whose family is receiving or once received TANF, most of that money is intercepted by the government to ostensibly "reimburse" the cost of distributing TANF benefits. Half of the intercepted funds go to the national Treasury, and half goes to the DC government. Notably, in DC the intercepted money does not expand or fund TANF benefits at all but instead funds further debt collection efforts by DC's child support agency, the Child Support Services Division (CSSD) of the Office of the Attorney General. This practice – known as child support cost recovery – is a holdover from policies created nearly fifty years ago that nearly half of states no longer use. It is economically inefficient, socially harmful, and racially unjust.

Despite adopting an at-the-time progressive \$150 pass-through in 2006 – increased for the first time last year to \$200 – the District's system is still fundamentally focused on debt collection for the government's benefit. Families only receive the up-to-\$200 pass-through amount when a child support payment is made on time, for a current child support obligation, for a family currently on TANF. Missed payments become a debt – known as arrears – owed entirely to the government; families never receive a dollar. So if a non-custodial parent with a \$500 order missed his February payment but pays double (\$1,000) in March to catch up, the family only receives \$200 of the \$1,000 he paid. The rest is split 50-50 between the District and the federal government. That remaining \$800 is money taken directly from children who need it most.

The result is twofold harm. Families already living in poverty lose much-needed income, and non-custodial parents lose faith in a system that diverts their payments away from their children. This reduces compliance, fosters resentment, and weakens family connections.

The Child Support Improvement Amendment Act will end this outdated system by enacting a full pass-through of all child support payments, ensuring that 100% of child support payments reach the children for whom they are intended.

Decades of research show that child support is one of the most effective tools for reducing child poverty, particularly among families with low incomes. For those poor, single-parent households who receive it, child support can make up as much as a third of

total income.² When those payments actually reach families, they can have measurable effects: reduced material hardship, increased food security, and improved children’s health and education outcomes. Even a small amount of additional income can make a big difference for families who are struggling: it could cover an abnormally high utility bill after a particularly cold winter or pay for a new pair of shoes for growing feet.

States that have adopted more generous pass-through policies – including Wisconsin, Colorado, and Minnesota – have reported decreased child poverty rates, improved child well-being, and increased child support compliance.³

In addition, full pass-through also improves family relationships and non-custodial parent engagement. When non-custodial parents know their payments go directly to their children, they are more likely to pay consistently and remain involved.⁴ Wisconsin’s full pass-through demonstration increased both payment compliance and contact between fathers and their children.⁵ In addition, non-custodial parents report greater trust in the process, improved relationships with their children, and less conflict with the custodial parent.

² See Sorenson, Elaine, *Child Support Plays an Increasingly Important Role for Poor Custodial Parents* (Urban Inst. 2010), <https://www.urban.org/sites/default/files/publication/29421/412272-Child-Support-Plays-an-Increasingly-Important-Role-for-Poor-Custodial-Families.PDF>.

³ Maria Cancian et al., *Welfare and Child Support: Complements, Not Substitutes*, 27 *Journal of Policy Analysis and Management* 354–375 (2008). Minn. Dep’t of Hum. Servs. Child Support Enforcement Div., *Child Support Passthrough in Minnesota: A Process and Outcomes Evaluation*, (2002), <https://www.leg.mn.gov/docs/2005/other/050408.pdf>. Thomas Zolot et al., *Dollar for Dollar: Why the Child Support Pass-Through Makes Sense*, 78 *Policy & Practice* 5-39 (2020).

⁴ Lisa Klein Vogel, “Barriers to Meeting Formal Child Support Obligations: Noncustodial Father Perspectives,” *Children and Youth Services Review*, Vol. 110, No. 2, March 2020, https://www.researchgate.net/publication/338554399_Barriers_to_Meeting_Formal_Child_Support_Obligations_Noncustodial_Father_Perspectives.

⁵ Maria Cancian, Daniel R. Meyer, and Emma Caspar, “Welfare and Child Support: Complements, Not Substitutes.” *Journal of Policy Analysis and Management*, Vol. 27, No. 2, 354-375, 2008, [https://users.ssc.wisc.edu/~gwallace/Papers/Cancian,%20Meyer,%20and%20Caspar%20\(2008\).pdf](https://users.ssc.wisc.edu/~gwallace/Papers/Cancian,%20Meyer,%20and%20Caspar%20(2008).pdf).

Federal law explicitly enables and incentivizes states and the District to adopt “family-first” policies and to go further to ensure that both ongoing and past-due child support payments are delivered to families rather than retained by government agencies.⁶ As a result, the District can direct all child support to our city’s poorest families at a subsidized cost.⁷ This makes adoption of a full pass-through a cost-effective anti-child poverty measure that would align squarely with federal priorities promoting child-centered support practices nationwide.

The Council Should Fund the Computer Upgrades Necessary to Implement the Next Phase of the Increased Pass-Through in FY2028 and the Full Pass-Through with DCSES Modernization

To realize the full pass-through the District must ensure that CSSD’s upcoming computer system upgrade for child support enforcement is programmed from the outset to support full pass-through and disregard functionality. The timing of this policy upgrade conveniently aligns with the ongoing efforts to upgrade CSSD’s computer system, known as DCSES Modernization. Enacting the full pass-through now will allow OAG to deliberately engineer the new system to implement this policy as soon as it comes online. Without this built-in capacity, even a well-designed policy risks being delayed, inconsistently applied, or administratively unworkable.

While we are eager to see the full pass-through take effect as soon as is feasible, our child support system is complex, and we understand the current Legacy DCSES computer system is not built with the functionality to implement it. Conveniently, OAG/CSSD is in the process of upgrading its computer system, known as DCSES Modernization. We ask that the Council continue to provide the capital costs necessary for this overdue systems-update, with which the passage of the full pass-through can be deliberately engineered to include the full pass-through and disregard functionality so that the new policy can be rolled out when the new system comes online.

In the interim, the Council should appropriate the approximately \$300,000 that OAG estimates is necessary to reprogram its Legacy DCSES system to implement the next phase of the increased pass-through in FY28.

⁶ Turetsky, Vicki, and Diana Azevedo-McCaffrey, *Understanding TANF Cost Recovery in the Child Support Program*, (Center for Budget and Policy Priorities, July 12, 2024), <https://www.cbpp.org/research/income-security/understanding-tanf-cost-recovery-in-the-child-support-program>.

⁷ We direct the Council to our attached memo for further explanation.

We recognize that this is an extremely tight budget year and that, under the Mayor's proposal, DC's low-income families will bear the brunt of the cuts. That is all the more reason to set aside \$300,000 to ensure that next year, we can progress to the next phase of the increased pass-through, which will ensure that when support is paid after it is due, at least a portion of that money can be passed through to families, too.

The Council Should Restructure and Simplify the Period of Enforceability for Child Support Debt to Allow and Promote Collection During Childhood

In addition to enacting a full pass-through of all child support to families currently or formerly on TANF, the Child Support Improvement Act also simplifies the period of enforceability for unpaid child support judgments. We support this change, although we urge the Council to clarify now or in the future that the new period of enforceability operates by law rather than as an affirmative defense.

DC's current child support law is complex and confusing. Neither parents who receive support nor those who pay it can keep track of when child support debts – known as arrears – pass the period of enforceability.

Under District law, each individual child support obligation that goes unpaid becomes its own money judgment subject to the 12-year statute of limitations in DC Code § 15-101.⁸ Unless the District or the custodial parent files a motion for revival within that time period, after 12 years, the judgment has no further operation.⁹ Since each unpaid monthly amount becomes its own money judgment, the statute of limitations of twelve years affects each debt in sequence, with one debt at a time reaching the limit of enforceability month by month until all unpaid support is no longer enforceable.

The Act solves this issue by creating a simplified period of enforceability: all arrears remain enforceable until 5 years after the youngest child emancipates when they turn 21 (meaning, until the youngest child turns 26). This simplified period will be easier for everyone involved to understand and track. The child support recipient knows that they have a single, definite point by which to attempt collection of all unpaid support, and the payor does not have to keep track of potentially hundreds of different judgments and when each one expires.

⁸ See D.C. Code § 46-204(b); D.C. Code § 15-101; see *Sollars v. Cully*, 904 A.2d 373 (D.C. 2006).

⁹ See DC Code § 15103.

Critically, the Act ensures that arrears do not expire while children are still children. The goal of child support is and should be to support children. The Child Support Improvement Act would ensure that parents can collect support while their children will benefit directly, and into their young adulthood, when many children still rely on their parents for supplemental support. However, when these same children are well into adulthood and no longer in the care of either parent, after-the-fact collection does not have the same benefit to children and may cause harm to obligors who are themselves struggling to stay afloat financially.

Restructuring the period of enforceability to preserve all arrears until 26 while making that deadline a hard and automatic limit on enforcement promotes and incentivizes earlier enforcement, which in turn benefits children who are more likely to receive support while they are still minors. To that end, we note that, as written, the Act does not clearly state that the new simplified period of enforceability (also referred to as statute of limitations) applies as a legal limit on enforcement rather than an affirmative defense. We urge the Council to clarify its intent that this new period of enforceability applies automatically by operation of law to limit any collection or enforcement after the expanded period ends. This will ensure that unrepresented non-custodial parents receive the protection intended by a limit on enforcement. We also continue to urge the Council to clarify that the new period of enforcement is not intended to be subject to revival.

The Council Should Fund OAG's Public Lawyering Functions

The Office of the Attorney General (OAG) provides an invaluable service to our city and community – protecting the public good and standing up for those without the power or resources to do so themselves. We see this through the exceptional work of the Domestic Violence and Special Victims section, which uplifts and advocates for survivors, helping secure their long-term safety by enforcing compliance with protection orders; in the diligent enforcement efforts of the Child Support Services Division, collecting \$46.2 million in child support for families who have never been on TANF; in the Public Advocacy Section's persistent efforts to uphold tenants' rights and enforce the housing code; in the leadership of OAG's Policy team to collaborate with Legal Aid DC on reforms like the Child Support Improvement Amendment Act of 2026 and the Enhancing Consumer Protection Procedures Amendment Act of 2025. We urge the Council to restore funding for these and other key public lawyering functions. At this particular moment in DC's history, it is more important than ever that we have a fully funded OAG to protect the rights of DC as a whole and the DC residents who are otherwise the most vulnerable in political power plays.

Conclusion

The purpose of child support is to support children – not to fund government debt collection efforts. Every dollar paid by a parent should belong to that child. Full pass-through of child support for TANF and former TANF families is a concrete way for DC to reduce child poverty, strengthen families, and advance racial equity. We urge the Council to pass this significant reform now in the Budget Support Act and to fund the \$300,000 necessary to reprogram the Legacy DCSES system so that the next phase of the increased pass-through can take effect in FY28.

Modernizing the District's Child Support Policies to Support Children



Updated March 2026

INTRODUCTION

The District of Columbia’s child support system obtains important financial support for many District families, but it is failing some of the District’s poorest families. For these families, the child support system functions largely as a debt collection operation, the goal of which is to force low-income parents to pay the government back for public benefits they received.

This kind of child support system, referred to as a “cost recovery” system, is inconsistent with the values that the District of Columbia promotes elsewhere—helping to ensure that families can raise healthy and hopeful children.¹ This type of system is also out of step with modern federal policy and the trends in many progressive states—toward more financial support for children.

At bottom, the cost recovery system does little to address the financial circumstances of the District’s most vulnerable children because very little of the money collected is provided to support them. At the same time, the system pits the government against these vulnerable families, many of whom view child support workers not as allies helping them financially support their children, but rather as debt collection agents forcing them to help collect a debt owed to the government at pain of losing the limited cash assistance they receive.

The District can and should modernize its child support collection policies to provide more—and ideally all—of the money it collects through the child support system to the low-income families who need it to support their children. Because of federal policies designed to encourage states to do this—incentives the District has not taken full advantage of—the cost of many these reforms would be shared with the federal government. Many states have already chosen to take advantage of these new federal policies and replaced the cost-recovery model with a “family first” model that ensures that families in need of support receive child support collections before those collections are used to pay the government.

The District can not only follow these jurisdictions, but lead the nation alongside Illinois by providing child support payments exclusively to families to support children—a “supporting children” model of child support that transcends both the outdated cost-recovery model and the family-first model. These reforms are cost effective—of the more than \$48 million in child support that OAG collected in Fiscal Year 2023, only \$5 million is used for cost recovery.²

¹ Attorney General Brian Schwalb, *Attorney General Schwalb’s Four Pillars: Prioritizing Public Safety and Hopeful Kids*, Medium (Jan. 19, 2023), <https://medium.com/@dcattorneygeneral/attorney-general-schwalbs-four-pillars-prioritizing-public-safety-and-hopeful-kids-65d80af1d43d>.

² Office of the Attorney General for the District of Columbia, *OAG Responses for FY23-24 Performance Oversight Hearing*, Council Hearing and Meetings (Feb. 28, 2024), <https://lims.dccouncil.gov/Hearings/hearings/264>, Question

Additionally, by increasing incentives to cooperate with child support collection efforts, the District likely will see cost savings. Regardless, the District can and should find alternative ways to fund its child support system and instead pass these dollars on to families to support the District's most vulnerable children, which in turn will pay dividends well into the future. The families these policies affect are the poorest in the District, and their children need resources to help them thrive. Money we spend now to support them is an investment in the District's future. Ultimately, providing this money to District families will result in a more effective and more equitable child support collection system, and will help improve outcomes for District children.

BACKGROUND

The Cost Recovery Model: How Child Support Currently Operates for the District's Poorest Families & the Need for Additional Support

The federal child support program was created in 1975, when Congress enacted Title IV-D of the Social Security Act (Title IV-D). Title IV-D had two main purposes: to recover the costs of cash assistance, often referred to as "welfare," that was paid to the custodial parent who is owed child support, and to reduce the need for cash assistance by increasing custodial families' child support income.³ To participate in the federal program that provides cash assistance to families, states must establish a local agency to administer the federal child support program.⁴ OAG's Child Support Services Division (CSSD) is the District's IV-D agency.

OAG operates under the cost-recovery model of child support collections. For families who currently receive or who once received welfare benefits, OAG collects child support to pay the District and the federal government back for the cash assistance—now called Temporary Assistance to Needy Families, or TANF—that was provided to the families. But the dollars the District collects are not used to create or bolster social welfare programs for low-income families; instead, these monies further fund CSSD's collection efforts.⁵

Here is how it works: under federal law, a family applying for TANF must agree to help the government collect child support from a non-custodial parent, and to assign their rights to this

#26 (OAG collected \$48,292,748 in child support payments in FY23); Question #67 (OAG directed \$2,287,056 in child support collections to the federal government in FY23); and Question #70 (\$2,740,279 of OAG's FY23 budget came from child support collections)

³ Vicki Turetsky & Diana Azevedo-McCaffrey, *Understanding TANF Cost Recovery in the Child Support Program*, Center on Budget and Policy Priorities (July 12, 2024), <https://www.cbpp.org/research/income-security/understanding-tanf-cost-recovery-in-the-child-support-program>.

⁴ 42 U.S.C. § 602(a)(2).

⁵ D.C. Code § 46-226.01.

child support over to the government.⁶ While a custodial parent is receiving TANF, OAG requires the custodial parent to help collect the child support that has been assigned to the government, most of which the government keeps ostensibly as repayment for the TANF benefits. The District splits the collections with the federal government according to a rate set by the federal government (in the District's case, now, 50-50).⁷

CSSD's caseload, then, is comprised of two different kinds of cases: (1) cases on behalf of custodial families who have not received TANF and who have voluntarily sought the District's help in collecting child support from the non-custodial parent, and (2) cases in which the District is trying to collect child support for itself as a result of TANF benefits paid to the custodial family. The reforms proposed in this memo focus exclusively on this second category, which CSSD refers to as "TANF cases" or "IV-D cases."

The families involved in TANF cases did not seek the government's help to collect child support—their participation in the child support program is compulsory and often runs counter to their interests. Indeed, it is often very challenging for CSSD to get families in TANF cases to participate in the program. To understand why, it is helpful to consider how this often works in practice, using the example of a typical family—a single mother receiving TANF benefits. This mother is required to tell CSSD who the father of her children is, provide information to help CSSD locate him, and participate in the court process to establish and enforce a child support order so the government can collect from him. To do this, CSSD brings the father to court—often repeatedly—to establish and enforce a child support order, and may take actions like garnishing his wages, suspending his driver's license, reporting him to a credit bureau, or seeking a bench warrant for his arrest. For the most part, these fathers are themselves very low income. While some are avoiding paying child support, many simply do not have the money to consistently pay, and some are providing informal financial support directly. Often the father does not understand that the mother is being forced to seek and enforce the child support order. Some of these fathers get angry with the mother, adding tension to the family and, in the worst cases, violence. Any informal support the father was providing often stops, either because he is angry or because the government is taking the money he was providing to support his children. And to the extent CSSD does collect any money, very little of it is given to the mother. **In this way, CSSD's efforts may mean the mother gets less financial support from the father than**

⁶ 42 U.S.C. §§ 608(a)(2), 608(a)(3).

⁷ During the Coronavirus Disease 2019 (COVID-19) public health emergency period, the Family First Coronavirus Response Act (FFCRA; P.L. 116-127) increased the District's rate by 6.2%. The enhanced rate has been phasing out since April 2023. In FY23, the District's rate was 56.2%. On January 1, 2024, the District's rate returned to 50%.

before CSSD got involved.⁸ Additionally, the fact that the government keeps the money it collects may make less likely the father will make payments; research indicates that, when non-custodial parents know any money they pay will not get to their children, they may be less likely to make child support payments.⁹

The District is not required to operate its child support system this way, and, indeed, it is missing out on federal incentives to provide more child support collections to families. While families must assign their child support payments to the government as a condition of receiving TANF, federal law no longer requires the District to keep (and split with the federal government) the money it collects. To the contrary, states can give the money to families, provided they pay the federal government its share of the money collected. But as discussed in more detail below, modern federal policy contains exceptions to even this requirement: to incentivize states to give more of the money to families, the federal government will waive its share of much of the money collected and does not require states to try to collect debt owed to the government. **The District is not taking full advantage of these policies.**

Critically, children in families who are receiving, or who once received, TANF, still need financial support from both parents. These are the poorest families in the District. To be eligible for TANF benefits, a family of four must make less than about \$13,700 per year.¹⁰ The maximum TANF benefit a family of four can receive is only about \$11,000 per year.¹¹ The federal poverty level for a family of four in the District in 2026 is \$33,000.¹² In other words, TANF benefits provide a temporary income that is still only 35% of the federal poverty level. **Providing financial support—even a modest amount—to families living in poverty can help improve outcomes for children and, in turn, the District.** Research demonstrates increasing the income of families

⁸ Lenna Nepomnyaschy & Irwin Garfinkel, Child Support Enforcement and Fathers' Contributions to Their Nonmarital Children, 84 *Soc. Serv. Rev.* 341-380 (2010).

⁹ Kye Lippold et al., *Evaluation of the \$150 Child Support Pass-Through and Disregard Policy in the District of Columbia*, The Urban Institute (Nov. 11, 2010), <https://www.urban.org/sites/default/files/publication/23436/412779-Evaluation-of-the-Child-Support-Pass-Through-and-Disregard-Policy-in-the-District-of-Columbia.PDF>. . See also, e.g., Colorado Department of Human Services, *Evaluating the Effect of Colorado's Full Child Support Pass-Through Policy*, <https://drive.google.com/file/d/1lh2NsnwZP27eoZEjOPpHtUKMs2qOUW65/view>; The Center for Law and Social Policy, *Policy Brief: More Child Support Dollars to Kids: Using New State Flexibility in Child Support Pass-Through and Distribution Rules to Benefit Government and Families* (July 2006), <https://www.clasp.org/wp-content/uploads/2022/01/0305.pdf>.

¹⁰ D.C. Dep't of Human Servs., *Temporary Cash Assistance for Needy Families*, <https://dhs.dc.gov/service/tanf-district-families>.

¹¹ *Id.*

¹² U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2026, *Poverty Guidelines for the 48 Contiguous States and the District of Columbia*, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

living in poverty can reduce childhood neglect,¹³ improve childhood brain development,¹⁴ and reduce delinquency, particularly serious delinquency.¹⁵

II. Pass-Through, Disregard, and Distribution: Federal Policy Changes Incentivizing Increased Support for Families

Over the years, federal policy has fluctuated regarding how much of the money collected to recoup welfare benefits the government can or must keep and how much it can provide to families. The policies in place today were enacted through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), sometimes referred to as “welfare reform,” and the Deficit Reduction Act of 2005 (DRA).

Under these policies, there are two general areas of decision-making for states regarding repayment of TANF benefits through child support collections: (1) how much of each child support payment the state collects is given—or passed-through—to a family who is receiving or who once received TANF, and (2) the order in which collected child support payments are distributed—to the family or to the government—when child support or unpaid child support debt—called arrears—is owed to both the family and the government and the collection is insufficient to satisfy both.

A quick note on arrears: Any support payments that become due during the time a family is receiving TANF are permanently assigned to the government and, if not timely paid, are treated as debt to the state—called “state-assigned arrears.” If the non-custodial parent does not pay child support on time, the missed payment is added to the arrears that are owed to the government. When a family is no longer receiving TANF benefits, and a non-custodial parent does not meet the child support order, then those arrears are owed to the family. These categories of arrears are treated differently for some purposes, as described in more detail below.

A. Pass Through & Disregard

On the first area of decision-making—how much child support is passed to families—the District was once on the forefront of ensuring that child support collections benefited families to the maximum extent possible, but federal law has become more generous to families and the District

¹³ C. Anderson et al., *Family and Child Well-Being System: Economic and Concrete Supports as a Core Component*, Chapin Hall at the University of Chicago (Apr. 2022), <https://www.chapinhall.org/wp-content/uploads/Economic-Supports-deck.pdf>.

¹⁴ Sonya V. Troller-Renfree et al., *The Impact of a Poverty Reduction Intervention on Infant Brain Activity*, 119 Proc. Nat’l Acad. Sci. U.S.A. e2115649119 (2022).

¹⁵ Roderik Rekker et al., *Moving in and Out of Poverty: The Within-Individual Association Between Socioeconomic Status and Juvenile Delinquency*, 10 PLoS One (2015).

has not kept up. Understanding this requires a brief explanation of how federal law has affected this issue.

Before PRWORA was enacted in 1996, the federal government required states to “pass through” to families the first \$50 in child support received each month. The cost of this pass through was shared between the state and federal government according to the rate set by Congress (as discussed above, now, 50-50 in the District’s case). So, for example, in a state like the District, the \$50 pass through to a family would only cost the state \$25, because the federal government waived its 50% share of that \$50. States could pass through more than the \$50, but they would bear the full amount of the added cost because they would have to reimburse the federal government for its full share. (So, if a state like the District had decided to pass through \$100, it would have to pay the federal government \$25 for the federal government’s share of the additional \$50 pass through). During this era, the District maintained a \$50 pass through as required, but did not include a discretionary increase.

Congress enacted PRWORA in 1996 as part of a federal effort to “end welfare as we know it.”¹⁶ PRWORA abolished Aid to Families with Dependent Children (AFDC), which had been in place since 1935, and replaced it with TANF. It also abolished the mandatory \$50 per month pass-through. States were given the option to continue a pass-through policy, but the federal government stopped sharing the cost. This meant that, if a state continued the \$50 per month pass-through, it had to pay the federal government its share of each \$50 passed through to a family. In this environment, most states, including the District, discontinued the \$50 pass-through.

In 2005, the District enacted a \$150 per month pass-through policy, which went into effect in April 2006.¹⁷ Under this policy, when CSSD collected child support for a family receiving TANF, up to \$150 of each month’s payment went to the custodial parent. If the order was less than \$150, or if the non-custodial parent paid less than \$150, the custodial parent received the full lesser amount.¹⁸ The custodial parent received up to \$150 in child support in addition to any

¹⁶ William J. Clinton, statement by the president at the signing ceremony for P.L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, August 22, 1996, available at <http://www.pub.whitehouse.gov/urires/l2R?urn:pdi://oma.eop.gov.us/1996/8/22/4.text.1>.

¹⁷ D.C. Code § 4–205.19(c)(5).

¹⁸ The pass-through policy only applies to payments that are made on time in the month they are due. If a payment is late, it is treated as arrears and is not subject to the pass-through policy. D.C. Code § 4–205.19(c)(5).

TANF benefits they otherwise received.¹⁹ The District’s policy was at its most progressive—when compared to the rest of the nation and federal policy—at this time.

However, in January 2006, Congress passed the Deficit Reduction Act, which included incentives for states to pass more child support to families. Under the DRA, the federal government will waive its share of any pass through of monthly payments to families receiving TANF benefits up to \$100 for families with one child and up to \$200 for families with two or more children.²⁰ For ten years, the District passed through slightly more than the federal waiver amount for families with one child, but missed out on the opportunity to provide additional support to larger families by sharing the cost of the additional pass-through with the federal government.

Last year, as part of the Budget Support Act, the District increased its pass-through amount to \$200 for all families.²¹ This amount remains limited by the current support obligation and the amount actually paid on time in the month it is due: the family receives either amount or \$200, whichever is lowest. The amount of the passed through child support is disregarded in calculating a family’s TANF benefits²².

These pass-through policies, however, apply to payments made while a family is receiving TANF. Federal policy is even more generous on incentivizing pass through of money collected for families that no longer receive TANF. The federal government will waive its *entire share* of state-assigned arrears that are given to families in these “former assistance” cases.²³ That is, if a non-custodial parent did not make a timely child support payment during a time when the custodial parent was receiving TANF benefits but pays it after the family is no longer receiving TANF, the state can pass the full amount of those arrears on to the custodial parent and owe nothing to the federal government.

B. Distribution

The second issue for a state to decide is distribution—the question as to the order in which child support dollars are paid out. A non-custodial parent can owe money to one or all of three pots:

¹⁹ As a condition of waiving the federal share of passed-through dollars, federal law requires that these amounts be “disregarded” for purposes of calculating a family’s eligibility for benefits and the amount of those benefits. That means that a family’s benefits are unaffected by receipt of passed-through child support dollars. The District’s policies reflect this requirement: amounts passed through are disregarded, and preserving this policy is critical to ensuring that additional child support that is passed through is in fact additional support, instead of a replacement of other dollars that the family would receive.

²⁰ 42 U.S.C. § 657(a)(6)(B).

²¹ D.C. Code § 4–205.19(c)(5); L26-0055 (effective Dec. 6, 2025).

²² Fiscal Year 2026 Budget Support Act of 2025, B26-0265, 26th Council, at 89 (D.C. 2025).

²³ 42 U.S.C. § 657(a)(6)(A).

(1) a current support order (which itself may include payments to the state because of the above-discussed assignment and pass-through policies); (2) arrears owed to the custodial parent (for times where the custodial parent was not receiving TANF benefits but was entitled to support that was not paid timely, or where the amount owed in support was above the total TANF benefits paid to the family); and (3) arrears owed to the government (payments owed for time periods when the custodial parent was receiving TANF that were not made timely, up to the amount of TANF benefits paid to the family).

The federal government provides flexibility to states in deciding its distribution rules—they can elect to use the older “PRWORA distribution” rules, which prioritize payments to states, or the newer “DRA distribution” rules, which prioritizes payments to families.²⁴ **The District has continued to elect PRWORA distribution in part because the District has not updated its policies since the DRA was passed.**

Under both PRWORA and DRA distribution, any child support payments collected by any means other than tax intercept are first used to pay current monthly support, regardless of the family’s TANF status. As discussed above, however, under the District’s current policy, if the family is receiving TANF, only the pass-through amount will go to the family and the rest will go to the government to fund the child support system. After the current support order is satisfied, distribution turns on whether the family is currently receiving TANF (current-assistance families) or the family is no longer receiving TANF (former-assistance families). For current-assistance families, monies collected beyond the pass-through amount on the current-assistance order go first to pay the government for arrears owed. Only after those are fully satisfied do any surplus collections reach the family for arrears owed to them. For former-assistance families, in addition to the current monthly support, the family will get any arrears owed to it before any surplus collections are used to pay state debt. The state debt amount remains owed but paying it off is given less priority than payments owed to families. In all cases, under current policy, CSSD does not pass through to families any of the dollars that are collected for state-assigned arrears and instead splits these with the federal government.

There are, however, significant differences between the PRWORA and DRA distribution models when child support is collected by the IRS through intercepted federal tax refunds and refundable credits, like the Earned Income Tax Credit or the COVID stimulus payments. Under PRWORA, this money is treated differently than money CSSD collects by other means. These collections go *first* to arrears, not current support, and state-assigned arrears are paid before

²⁴ 42 U.S.C. § 654(34); *Assignment of Support Rights and Distribution of Child Support Collections under the DRA of 2005*, Office of Child Support Enforcement (July 28, 2009), <https://acf.gov/archive/css/policy-guidance/assignment-support-rights-and-distribution-child-support-collections>.

family arrears, even when a family no longer receives TANF. In other words, **District policy puts families at the end of the line for receiving money collected via tax intercept, even if they have a current child support order and are not receiving TANF.** Under DRA distribution, however, the state distributes IRS tax intercepts the same way it distributes any other money it collects: it goes first to current support, regardless of whether the family receives TANF, then to arrears.

The government's policies on arrears and tax intercepts have more financial impact than do its policies on the amount of support that is passed through to families while they are receiving TANF, for several reasons. First, families receive TANF for a relatively short period of time, so there are many more former-assistance families than current-assistance families. Second, because the non-custodial parents of children receiving TANF are typically themselves very low-income, they commonly cannot make the full amount of a child support order and thus most of the child support owed during this time accrues as arrears. And, because these cases last until all money is collected, most of the lifespan of a case—and the time in which most money is collected—likely occurs after the family no longer receives TANF. The policy impacts of making changes to arrears policies for former-assistance families and tax interceptions—discussed in Sections II and III below—will have the greatest financial impact for the largest number of families (and in the former case, is subsidized by the federal government).

RECOMMENDATIONS

I. The District Should Pass Through All Payments for State-Assigned Arrears to Families who no Longer Receive TANF.

At the forefront, Illinois²⁵ passes through and disregards all collections (current assistance and arrears) to current and former assistance families. Maryland passed a law to do the same that

²⁵ 305 ILCS § 5/4-1.6 (as amended by Pub. Act 102-1115 § 5-36).

will take full effect in 2031.^{26,27} Three more states—Colorado,²⁸ Michigan,²⁹ and Washington,³⁰ pass through all the current child support they collect to current assistance families.³¹ Minnesota passes through all collections to current assistance families, but only disregards up to \$100 for a one child family and \$200 for a two-child family.³²

The District is among 32 states plus Puerto Rico that pass through some child support to TANF participants.³³ In addition to the five states that pass through 100% of current support (one of which also passes through arrears) to families receiving TANF, eight states—California, Maryland, New Jersey, New Mexico, New York, Pennsylvania, West Virginia, and Wyoming—pass through \$100

Providing this child support to children will improve childhood outcomes. It may also increase – rather than undermine – faith in the government, as well as the amount of child support collected, compounding the benefit to District children.

²⁶ Maryland House Bill 0881/ Senate Bill 0703 (2025 Regular Session).

²⁷ H.B. 881, 2025 Leg., Reg. Sess. (Md. 2025).

²⁸ Colo. Rev. Stat. §§ 26-2-108(1)(b) (enacted 2015 & implemented Apr. 1, 2017); 26-2-111(3)(a)(V); 9 C.C.R. § 2503-6-3.605.5. Child support income is disregarded in calculating TANF benefits, but considered in determining eligibility.

²⁹ Mich. Dep't of Health and Human Servs., *Michigan IV-D Child Support Manual*, Ch. 5 § 5.40, 7.1.3, <https://dhhs.michigan.gov/ChildSupport/policy/Documents/5.40.pdf>.

³⁰ RCW § 26.23.035(4) (If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void); The required appropriations were made, and the law will be in effect beginning in January 2026. See Engrossed Substitute Senate Bill 5950, <https://fiscal.wa.gov/statebudgets/2024proposals/Documents/co/5950-S.SL.pdf>.

³¹ Colo. Rev. Stat. §§ 26-2-108(1)(b) (enacted 2015 and implemented April 1, 2017); 26-2-111(3)(a)(V); 9 C.C.R. § 2503-6-3.605.5.

³² Minnesota State Plan, Temporary Assistance for Needy Families Program, <https://wioaplans.ed.gov/node/67666>. (“Up to \$100 in child support payments for a family with one child, and up to \$200 for a family with two or more children is excluded from unearned income budgets when calculating a household’s income for benefit determination.”).

³³ See National Conference of State Legislatures, *Child Support Pass-Through and Disregard Policies for Public Assistance Recipients* (May 30, 2023). [https://www.ncsl.org/human-services/child-support-pass-through-and-disregard-policies-for-public-assistance-recipients#:~:text=Colorado%20is%20the%20first%20state,for%20purposes%20of%20TANF%20eligibility](https://www.ncsl.org/human-services/child-support-pass-through-and-disregard-policies-for-public-assistance-recipients#:~:text=Colorado%20is%20the%20first%20state,for%20purposes%20of%20TANF%20eligibility;); Nick Gwyn, Center for Budget and Policy Priorities, Opportunities to Deliver Critical Child Support Reforms: Testimony before the House Ways and Means Subcommittee on Work and Welfare, Appendix 1 (January 21, 2026) <https://www.cbpp.org/research/income-security/opportunities-to-deliver-critical-child-support-reforms>.

for one child and \$200 for two or more children (essentially tracking the federal incentives).³⁴

It is important that the District pass through not only all of the money that would go toward a current support order but also all of the money that would go to arrears. Under current policy, no matter how much money CSSD collects for a family receiving TANF in a month, nothing above the pass-through amount gets to the family if there are state-owed arrears, which there almost always are. Although non-custodial parents typically do not pay more than they owe in each month, sometimes they do. This happens most often where a non-custodial parent receives a lump sum of money, for example after getting retroactively approved for Social Security Disability Income or receiving a civil settlement amount, which is garnished. When this happens, the custodial family will only get the single pass-through amount of \$200. For a custodial parent who is receiving TANF, this feels particularly unjust—they are living well below the poverty line and are owed child support. The non-custodial parent finally pays some of it—sometimes the only money they will pay all year—and the custodial parent only receives \$200.

The cost of this reform in the District would be relatively modest: likely much less than \$5 million per year. That is because, in fiscal year 2023, the government’s share of all child support collected was approximately \$5 million, including collections of state-assigned arrears in former-assistance cases and through tax intercepts, which would not be implicated by this pass-through policy and which likely account for most of the collections. The benefit to these families, on the other hand—and ultimately to the District—would be profound. For example, research demonstrates passing through all child support to parents receiving TANF reduces the likelihood of child mistreatment and that even a modest increase in child support payments—averaging \$100 per year—results in a decrease in substantiated maltreatment reports.³⁵ Providing this money to families also may increase cooperation with and increase trust with District government.

And even these costs may be partially offset: a growing body of research demonstrates that increased pass-through policies make it easier to collect more child support because custodial parents are more willing to cooperate in trying to collect money and non-custodial parents are more willing to pay. Indeed, a study of the District’s \$150 pass-through found that it resulted in an increased likelihood of payment and higher payment amounts by non-custodial parents. It found that, three years after enactment of the pass-through, non-custodial parents paid almost 11% more in child support and were about 3% more likely to pay child support. But the results were even stronger for families who entered the child support system after the policy was

³⁴ *Id.*

³⁵ Chapin Hall at the University of Chicago, *A Key Connection: Economic Stability and Family Well-being*, <https://www.chapinhall.org/project/a-key-connection-economic-stability-and-family-well-being/>.

enacted. For these families, the non-custodial parent paid almost 20% more in child support and were about 7% more likely to pay.³⁶

Children in families receiving TANF are living well below the poverty line. Forcing them to pay the government back for the small amount of government assistance they receive using funds that are meant to help ensure their children have a safe place to live and enough to eat is wrong. It also is unwise in the long term—it is much less expensive to ensure children have their basic needs met when they are young than to address the consequences of deprivation when they are older. Providing this child support to children will improve childhood outcomes. It may also increase—rather than undermine—faith in the government, as well as the amount of child support collected, compounding the benefit to District children.

II. The District Should Pass Through All Payments for State-Assigned Arrears to Families who no Longer Receive TANF.

As discussed above, under current policy, when state-assigned arrears have been accrued—that is, a non-custodial parent did not make on-time child support payments for the full amount of a child support order while the custodial parent was receiving TANF benefits—any payments made in excess of a current child support order and arrears owed to families go to the government and split 50-50 by the District and federal governments.

The District is missing an opportunity to provide federally subsidized support to the District’s poorest families. As noted above, the federal government will waive its 50% share of all monies that it would have received from collections on state-owed arrears in former assistance cases. So, if the District passed through all of these funds to families that were previously receiving TANF, the cost essentially will be subsidized by the federal government. Five states do

³⁶ Evaluation of the \$150 Child Support Pass-Through and Disregard Policy in the District of Columbia. See also, e.g., Colorado Department of Human Services, *Evaluating the Effect of Colorado’s Full Child Support Pass-Through Policy*, <https://drive.google.com/file/d/1lh2NsnwZP27eoZEjOPpHtUKMs2qOUW65/view>; The Center for Law and Social Policy, Policy Brief: More Child Support Dollars to Kids: Using New State Flexibility in Child Support Pass-Through and Distribution Rules to Benefit Government and Families (July 2006), <https://www.clasp.org/wp-content/uploads/2022/01/0305.pdf>.

this: California,³⁷ Illinois,³⁸ New Mexico,³⁹ Wisconsin,⁴⁰ and Wyoming,⁴¹ with Massachusetts⁴² set to join them soon.⁴³

Providing these federally subsidized amounts to families that no longer receive TANF is important to addressing childhood poverty. Much of the child support owed to families remains unpaid while the family is receiving TANF because the non-custodial parent is also living in poverty. This state-assigned debt is more likely to be collected later, as the non-custodial parent ages and gains more regular employment, by which point the custodial parent is likely no longer receiving TANF—perhaps because as the children have reached school-age, allowing the custodial parent to also obtain employment. Still, these former assistance families are generally still living paycheck to paycheck without financial security. Providing this unpaid child support collected as arrears can make an enormous difference in the lives of these families, and the federal government will pay for half the cost of this important support.

III. The District Should Ensure that Child Support Collected Through IRS Tax Intercepts is Paid to Families.

As discussed above, for monies collected through IRS tax intercepts, the District currently utilizes PRWORA distribution, which means that these intercepts are used to pay state-assigned arrears first, before current support owed and family-assigned arrears. But the District can elect between the existing model and DRA distribution rules—which prioritize families—in determining how it treats IRS collections.⁴⁴ Switching to DRA distribution without changing pass-through policies would have a modest effect for families currently receiving TANF—they would receive only the pass-through amount of \$200. But the change would have a significant effect on families who are no longer receiving TANF, of which there are a far greater number—any money collected

³⁷ Cal. Code. FAM § 17504.2.

³⁸ 305 ILCS § 5/4-1.6 (as amended by Pub. Act 102-1115 § 5-36).

³⁹ N.M. Code R. § 8.50.125.11(E)(3) (effective Jan. 23, 2023).

⁴⁰ Wis. Stat. Ann. §§ 49.145(2)(s); Wisconsin Department of Children and Families, *Wisconsin Works (W-2) Manual*, <https://dcf.wisconsin.gov/manuals/w-2-manual/Production/default.htm>.

⁴¹ Wyoming Child Support Program, *Child Support Program Policy Manual*, ch. 14.4 (As of April 26, 2024) (noting that the language is not explicit in the manual, but we have been assured that the change was made).

⁴² 106 Mass. Code Regs. 705.900.

⁴³ Massachusetts Department of Transitional Assistance, Related Benefits, https://www.mass.gov/files/documents/2017/09/12/106cmr705.pdf?_ga=2.78914647.2141780375.1590621438-194961122.1590621438.

⁴⁴ The PRWORA tax offset exception originally codified in 42 U.S.C. § 657(a) was superseded by the language in the DRA, which eliminated the exception but allowed states to elect continuing PRWORA distribution rules. The only statutory reference to PRWORA distribution is 42 U.S.C. § 654(34), the state plan election provision.

through a tax offset would go to pay the full amount of the current support order and then to any arrears owed to the family.

In practice, this can have a significant effect on District families. In cases in which a non-custodial parent is not making voluntary payments and wage withholding was not successful, the government can sometimes collect the debt by intercepting a tax refund. In cases like these, the tax intercept is often the only payment the non-custodial parent makes all year. But, because the District has chosen PRWORA distribution, if there are state-assigned arrears from a time the custodial parents was receiving TANF, the custodial family would get nothing—the entire collection would instead be used to fund the child support collections system.

So far, nine states and Puerto Rico have adopted DRA distribution: Alaska, California, Maryland, Massachusetts, New Mexico, Pennsylvania, Vermont, West Virginia, and Wyoming.⁴⁵ The District should join this group.

IV. The District Should Waive Debts that it Cannot Collect Due to the Statute of Limitations.

As explained above, if a non-custodial parent falls behind in child support payments, the past due amount accrues as arrears, which may be owed to a family or the government depending upon whether the support was due during the period when the family was receiving TANF. Only a custodial parent can forgive arrears owed to them. But states have the authority to reduce, forgive, or write off state debt, without owing a federal share.⁴⁶ **The District should exercise**

⁴⁵ NCSEA, *Quick Facts: Child Support Assignment, Pass-Through, and Distribution for Families receiving Public Assistance* (June 2022), https://www.ncsea.org/wp-content/uploads/2022/07/Quick-Facts-Child-Support-Assignment-PassThrough-Distribution_2022.pdf.

⁴⁶ See 42 U.S.C. § 604; 45 C.F.R. § 263; “[U]nder certain circumstances, it is permissible to use federal TANF, [...] or state MOE funds to pay a benefit to a noncustodial parent to reduce or pay off child support arrearages owed to the family. While the state may also waive debt owed to the state, the state may not reimburse itself for the waived debt through TANF funds or count a waiver of debt owed to the state as a MOE expenditure [...] [t]he federal fiscal interest in arrears does not arise until a collection is made; thus, no federal share is owed on uncollected arrearages, whether or not they are waived.” U.S. Dep’t of Health and Human Services, Office of Child Support Services, Dear Colleague Letter, [https://www.hhs.gov/guidance/document/questions-and-answers-about-allowable-uses-tanf-funds](https://www.acf.hhs.gov/archive/css/policy-guidance/tanf-emergency-fund-noncustodial-parents#:~:text=Yes%2C%20under%20certain%20circumstances%2C%20it,state%20as%20a%20MOE%20expenditure.U.S; Dep’t of Health and Human Services, <i>Questions and Answers about allowable uses of TANF funds</i>, Q21A21, <a href=); Vicky Turetsky & Diana Azevedo-McCaffrey, *Understanding TANF Cost Recovery in the Child Support Program* (Jan. 3, 2024), <https://www.cbpp.org/research/income-security/understanding-tanf-cost-recovery-in-the-child-support-program#:~:text=The%20state%20debt%20includes%20any%20added%20interest%2C,federal%20law%20to%20reduce%2C%20forgive%2C%20or%20write>.

this authority by eliminating any debt that is beyond the statute of limitations for enforcement.

As of January 2024, non-custodial parents owe the District about \$53.8 million in arrears, about \$32 million of which accrued before January 1, 2012.⁴⁷ There is very little chance the District ever will collect most of that debt, for a host of practical reasons (including that many of the obligors are simply too low income),⁴⁸ and because the debt likely would be unenforceable if challenged as barred by the statute of limitations.

Under District law, each unpaid individual child support payment becomes its own money judgment subject to a twelve year statute of limitations for its enforcement.⁴⁹ Unless the District or the custodial parent filed a motion for revival within that time period, after twelve years, the judgment has no further operation or effect.⁵⁰ Since each unpaid monthly amount becomes its own money judgment, the twelve years affects each debt in sequence, with one falling off the cliff of enforceability month by month until all unpaid support is no longer enforceable. However, the statute of limitations is an affirmative defense, leaving it to unrepresented obligors to raise it. As a practical matter, the arrears debt remains on the books and is subject to administrative (i.e., tax intercept, garnishment of wages or Social Security benefits, driver’s license suspension, etc.) and judicial (civil contempt) enforcement actions until it is raised. And the parent owing this outdated debt remains saddled with it into old age.

The District should cancel arrears owed to the government for TANF benefits that are well past the twelve-year statute of limitations on enforcement, particularly where the children the payments were meant to benefit are well into adulthood. California already does this, freeing non-custodial obligors from the burden of debt that the state deems “uncollectible.”⁵¹ The District could do this by cancelling government owed arrears in cases in which the youngest child is over the age of 33—twelve years past the age of 21, when the support obligation terminates under District law. At that point, all of the individual judgments are past the twelve-

⁴⁷ OAG’s oversight response for the FY23-24 Performance Oversight Hearing, Question #69. The amount owed as of January 12, 2015 was \$53,831,555, of which \$31,723,810 accrued before January 2012.

⁴⁸ U.S. Department of Health and Human Services, Office of Child Support Services, *Family and State Benefits of Debt Compromise* (August 2022), <https://www.acf.hhs.gov/css/policy-guidance/family-and-state-benefits-debt-compromise>.

⁴⁹ D.C. Code § 46-204(b); D.C. Code § 15-101; see *Sollars v. Cully*, 904 A.2d 373 (D.C. 2006).

⁵⁰ See *Mayo v. Mayo*, 508 A.2d 114, 115 (D.C. 1986).

⁵¹ See Cali. Fam. Code § 17400.

year period allowed for their collection. Vacating them would stop any further enforcement actions in those cases, like garnishing an obligor’s Social Security disability or retirement income or seeking to jail an elderly parent for debt that accrued decades earlier. Moreover, the children at issue are far past their minority and no longer stand to benefit from any distributions of long

The District has fallen behind other progressive jurisdictions and federal policy, and its approach does not advance OAG’s mission of ensuring opportunity for the District’s most vulnerable youth, advancing equity, and addressing the root causes of delinquency.

overdue support. Finally, removing the damaging debt hanging over so many low-income child support obligors, damaging their credit and hindering their efforts to work as they age, would be a meaningful step towards ameliorating the harm incurred during the decades in which the District operated its child support program as a cost-recovery system. Wiping out this debt would also improve the District’s arrearage-collection performance level, which is one of the performance measures reported to the federal child support agency.⁵²

V. The District Should Make All These Reforms at Once, Rather than Incrementally.

Implementing all the reforms in this memo will significantly simplify the District’s child support collection system, itself yielding several important results. First, it will provide needed transparency to custodial and non-custodial parents. Under current policy, non-custodial parents often have no idea how much—if any—of the money they are paying is reaching their children. They do not have insight into the complicated accounting that places payments into pass-throughs, current support payments, and arrears, sometimes all in the same month. For their part, custodial parents often have no insight into how much a custodial parent has paid, because they only receive the pass-through amount or nothing at all. Or sometimes they do know that a non-custodial parent paid a large amount and do not understand why they received only a smaller sum, despite not having received previous payments. This breeds distrust between parents—to the detriment of their children—and between parents and the government. Increasing the pass-through amount, or passing through only current support, will increase support for families, but will not solve this problem. Passing through all the collections to families is the only way to eliminate this confusion and provide transparency.

⁵² 45 C.F.R. § 305.2(a)(2).

Next, each of these reforms is important, but implementing all of them is necessary to reach all impacted families. For example, switching to DRA distribution will help former assistance families, but will have little effect on families receiving TANF, unless the pass-through also is increased. Similarly, increasing the pass-through will have no effect on former-TANF families. For these families, switching to DRA distribution of tax intercepts and passing through state-assigned arrears are the only ways to ensure they receive more child support.

Finally, implementing all these reforms now, while the District is modernizing its child support collection software system, means these policy changes can be built into the new system as it is being created. A simplified child support system, in which all money collected is distributed or passed through to families, may also be less expensive to build and administer. Adopting an incremental approach, on the other hand, means creating and administering a more complicated system, which then must be modified as policy changes are adopted. These policy changes also will require multiple iterations of training of child support staff, and education of parents, adding to these costs.

CONCLUSION

Originally established largely to reduce welfare costs, the federal child support program is now aimed at lifting families out of poverty. But the District has not updated its child support policies to reflect this modern view. The District has fallen behind other progressive jurisdictions and federal policy, and its approach does not advance the mission of ensuring opportunity for the District's most vulnerable youth, advancing equity, and addressing the root causes of delinquency. Instead, the District's cost-recovery child support system damages families, undermines trust in government, increases family conflict, and betrays the District's children—and all for so little gain. **The District could make every reform proposed in this memo for approximately \$5 million dollars a year—the total government share of child support collected in fiscal year 2023.** At the very least, the District should take advantage of federal financial incentives to make cost-effective changes to its child support collection policies that will change outcomes for some of the District's most vulnerable children. Doing so will ensure that collections from the child support system support children.

Please contact Meridel Bulle-Vu, Supervising Attorney, Family Law & Domestic Violence Unit, Legal Aid DC, at mbulle-vu@legalaiddc.org with questions or for additional information about this report.