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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 7--SOCIAL SECURITY

SUBCHAPTER IV--GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES
WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

Part D--Child Support and Establishment of Paternity

Sec. 651. Authorization of appropriations

For the purpose of enforcing the support obligations owed by noncustodial parents to their children and the spouse (or former spouse) with whom such children are living, locating noncustodial parents, establishing paternity, obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for assistance under a State program funded under part A of this subchapter) for whom such assistance is requested, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this part.

(Aug. 14, 1935, ch. 531, title IV, Sec. 451, as added Pub. L. 93-647, Sec. 101(a), Jan. 4, 1975, 88 Stat. 2351; amended Pub. L. 97-35, title XXIII, Sec. 2332(a), Aug. 13, 1981, 95 Stat. 861; Pub. L. 98-378, Sec. 2, Aug. 16, 1984, 98 Stat. 1305; Pub. L. 104-193, title I, Sec. 108(c)(1), title III, Sec. 395(d)(1)(A), Aug. 22, 1996, 110 Stat. 2165, 2259.)

References in Text

Part A of this subchapter, referred to in text, is classified to section 601 et seq. of this title.

Amendments

1996--Pub. L. 104-193, Sec. 395(d)(1)(A), substituted ``noncustodial'' for ``absent'' in two places.

Pub. L. 104-193, Sec. 108(c)(1), substituted ``assistance under a State program funded under part A of this subchapter'' for ``aid under part A of this subchapter''.

1984--Pub. L. 98-378 substituted ``obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A of this subchapter) for whom such assistance is requested,'' for ``and obtaining child and spousal support,''.

1981--Pub. L. 97-35 substituted ``children and the spouse (or former spouse) with whom such children are living'' for ``children'' and ``child and spousal support'' for ``child support''.

Effective Date of 1996 Amendment

Amendment by section 108(c)(1) of Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for

terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of this title.

For effective date of amendment by section 395(d)(1)(A) of Pub. L. 104-193, see section 395(a)-(c) of Pub. L. 104-193, set out as a note under section 654 of this title.

Effective Date of 1981 Amendment

Section 2336 of Pub. L. 97-35 provided that:

“(a) Except as otherwise specifically provided in the preceding sections of this chapter [sections 2331-2335 of Pub. L. 97-35] or in subsection (b), the provisions of this chapter and the amendments and repeals made by this chapter [amending this section, sections 652, 653, 654, 657, and 664 of this title, and sections 6305 and 6402 of Title 26, Internal Revenue Code] shall become effective on October 1, 1981.

“(b) If a State agency administering a plan approved under part D of title IV of the Social Security Act [this part] demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of an amendment made by this chapter to which the effective date specified in subsection (a) applies, the Secretary may prescribe that, in the case of such State, the amendment will become effective beginning with the first month beginning after the close of the first session of such State's legislature ending on or after October 1, 1981. For purposes of the preceding sentence, the term ‘session of a State's legislature’ includes any regular, special, budget, or other session of a State legislature.”

Effective Date

Section 101(f) of Pub. L. 93-647, as amended by Pub. L. 94-46, Sec. 2, June 30, 1975, 89 Stat. 245, provided that: “The amendments made by this section [enacting this part and section 6305 of Title 26, Internal Revenue Code, amending sections 602, 603, 604, 606, and 1306 of this title, repealing section 610 of this title, and enacting provisions set out as notes under this section and section 602 of this title] shall become effective on August 1, 1975, except that section 459 of the Social Security Act [section 659 of this title], as added by subsection (a) of this section shall become effective on January 1, 1975, and subsection (e) of this section [enacting provisions set out as a note under this section] shall become effective upon the date of the enactment of this Act [Jan. 4, 1975].”

Short Title

This part is popularly known as the “Child Support Enforcement Act”.

Study on Effectiveness of Enforcement of Medical Support by State Agencies

Pub. L. 105-200, title IV, Sec. 401(a), July 16, 1998, 112 Stat. 659, provided that:

“(1) Medical child support working group.--Within 60 days after the date of the enactment of this Act [July 16, 1998], the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medical Child Support Working Group. The purpose of the Working Group shall be to identify the impediments to the effective

enforcement of medical support by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act [this part].

30 ``(2) Membership.--The Working Group shall consist of not more than 30 members and shall be composed of representatives of--

``(A) the Department of Labor;

``(B) the Department of Health and Human Services;

``(C) State directors of programs under part D of title IV of the Social Security Act [this part];

``(D) State directors of the Medicaid program under title XIX of the Social Security Act [subchapter XIX of this chapter];

``(E) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

``(F) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1))[]);

``(G) children potentially eligible for medical support, such as child advocacy organizations;

``(H) State medical child support programs; and

``(I) organizations representing State child support programs.

``(3) Compensation.--The members shall serve without compensation.

``(4) Administrative support.--The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

``(5) Report.--

``(A) Report by working group to the secretaries.--Not later than 18 months after the date of the enactment of this Act [July 16, 1998], the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services a report containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical support by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act [this part] identified by the Working Group, including--

``(i) recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations;

``(ii) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671-1677);

``(iii) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs operated pursuant to part D of title IV of the Social Security Act and titles XIX and XXI of such Act [subchapter XIX and XXI of this chapter];

``(iv) appropriate measures to improve the availability of alternate types of medical support that are aside from health coverage offered through the noncustodial parent's health plan and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, co-payments, deductibles, or payments for services not covered under a child's existing health coverage;

``(v) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act [section 652(f) of this title]; and

``(vi) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the Working Group deems necessary.

``(B) Report by secretaries to the congress.--Not later than 2 months after receipt of the report pursuant to subparagraph (A), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under subparagraph (A).

``(6) Termination.--The Working Group shall terminate 30 days after the date of the issuance of its report under paragraph (5).''

Promulgation of National Medical Support Notice

Pub. L. 105-200, title IV, Sec. 401(b), July 16, 1998, 112 Stat. 660, provided that:

``(1) In general.--The Secretary of Health and Human Services and the Secretary of Labor shall jointly develop and promulgate by regulation a National Medical Support Notice, to be issued by States as a means of enforcing the health care coverage provisions in a child support order.

``(2) Requirements.--The National Medical Support Notice shall--

``(A) conform with the requirements which apply to medical child support orders under section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) in connection with group health plans (subject to section 609(a)(4) of such Act), irrespective of whether the group health plan is covered under section 4 of such Act [29 U.S.C. 1003];

``(B) conform with the requirements of part D of title IV of the Social Security Act [this part]; and

``(C) include a separate and easily severable employer withholding notice, informing the employer of--

``(i) applicable provisions of State law requiring the employer to withhold any employee contributions due under any group health plan in connection with coverage required to be provided under such order;

``(ii) the duration of the withholding requirement;

``(iii) the applicability of limitations on any such withholding under title III of the Consumer Credit Protection Act [15 U.S.C. 1671 et seq.];

``(iv) the applicability of any prioritization required under State law between amounts to be withheld for purposes of cash support and amounts to be withheld for purposes of medical support, in cases where available funds are insufficient for full withholding for both purposes; and

``(v) the name and telephone number of the appropriate unit or division to contact at the State agency regarding the National Medical Support Notice.

``(3) Procedures.--The regulations promulgated pursuant to paragraph (1) shall include appropriate procedures for the transmission of the National Medical Support Notice to employers by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act [this part].

``(4) Interim regulations.--Not later than 10 months after the date of the enactment of this Act [July 16, 1998], the Secretaries shall issue interim regulations providing for the National Medical Support Notice.

``(5) Final regulations.--Not later than 1 year after the issuance of the interim regulations under paragraph (4), the Secretary of Health and Human Services and the Secretary of Labor shall jointly issue final regulations providing for the National Medical Support Notice.''

Subsec. 101(e) of Pub. L. 93-647 provided that: ``There are authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to plan and prepare for the implementation of the program established by this section [this part and section 6305 of Title 26, Internal Revenue Code].''