



# **Self-Represented Litigation Network**

## **Resource Guide**

### **Use of Title IV-D Child Support Program Resources For Court Based Self-Help Services**

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**Self-Represented Litigation Network  
Resource Guide  
Use of Title IV-D Child Support Program Resources  
For Court Based Self-Help Services**

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# Self-Represented Litigation Network

## Resource Guide

### Use of Title IV-D Child Support Program Resources For Court Based Self-Help Services

*“The child support program serves over 17 million children, and most of the parents involved in the child support system navigate without a lawyer... Providing information to pro se parents helps ensure that parents understand the child support process, know what to expect in the child support process, and provide accurate financial information”.<sup>1</sup>*

#### I. Introduction

This Resource Guide, developed with funding from the State Justice Institute, is intended to facilitate and support cooperation between state Title IV-D child support agencies (IV-D agencies)<sup>2</sup> and state courts to provide self-help services to parents and others who are engaged in paternity establishment and child support establishment, modification, and enforcement processes.

The federal Office of Child Support Enforcement (OCSE) administers the Title IV-D child support program. OCSE recognizes that assisting parents in understanding and navigating the child support process not only helps ensure adequate due process safeguards for parents, but also enhances future compliance with support orders.

The state courts are responsible for providing access to justice for all self-represented litigants, including parents with child support matters before the court. As the number of self-represented litigants has steadily increased over the years, state courts have opened self-help centers to assist parties who are not represented by a lawyer access and navigate the courts.

Title IV-D child support funding can serve as a critical piece of the funding needed for courts to provide self-help services to self-represented litigants. Federal law provides that Title IV-D funding may be used only for paternity and child support order establishment, support order modifications and enforcement.<sup>3</sup> However, combined with other sources of funding, state courts can begin to piece together the resources needed to provide comprehensive self-help programs.

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<sup>1</sup> Child Support Fact Sheet Series No. 3 - Access to Justice Innovations - June 2012  
Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services. A copy of the fact sheet is in Appendix 2.

<sup>2</sup> Title IV-D refers to Title IV, Part D of the Social Security Act.

<sup>3</sup> The child support related activities for which federal funding is available are set forth in regulations at 45 CFR Sections 304.20 through 304.23 and 45 CFR Part 92. Also see discussion below regarding OCSE initiatives that would expand the services for which federal funding is available to include parenting time.

### ***Title IV-D Child Support Program Background***

Title IV-D of the Social Security Act establishes a state-federal partnership to provide child support services. States are required to establish a child support program as a condition for receiving federal funding for the Temporary Assistance for Needy Families (TANF) program.<sup>4</sup> States must have a single statewide agency that administers the child support program and receives the federal funding for the program.<sup>5</sup> However, states are permitted to fund local jurisdictions to provide child support services. States are also permitted to enter into cooperative agreements to reimburse other government entities such as law enforcement agencies and the state courts for costs associated with providing IV-D child support related services.<sup>6</sup>

Congress created the Title IV-D child support program in 1975 to establish paternity and collect child support for parents who received welfare in order to reduce the costs of welfare to the state and federal governments. Child support collected from non-custodial parents reimbursed the states for the welfare grants to their children. Services were also provided to non-welfare families that requested child support assistance with the idea that the collection of child support for those families might help them avoid having to seek welfare assistance.

Over the years, the trend has been to expand the system, and to move its focus from a collection system intended to force non-custodial parents to reimburse the state for welfare expenses, to a system focused on child well-being, which is intended to support families, both by ensuring appropriate and timely child support contributions, and by encouraging the participation of non-custodial parents in their children's lives.

The Federal government reimburses states for 66% of most categories of paternity and child support establishment, modification, and enforcement expenses. Put simply, the federal government reimburses the states \$2.00 for every \$3.00 in eligible program costs for providing child support services.

To be eligible for reimbursement, the costs must meet certain criteria, discussed below. Eligible costs must be for services specified in the federally-approved state plan that federal law requires each state to submit to the federal government as a condition for federal financial assistance. Each state has designated a statewide child support agency that prepares the state plan and enters into the agreement with the federal government for federal funding. The state agency may provide all services itself or may enter into cooperative agreements with local jurisdictions and other governmental entities such as law enforcement agencies and state courts to provide child support services for IV-D cases.

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<sup>4</sup> 42 U.S.C. 602(a)(2)

<sup>5</sup> 42 U.S.C 654 (3)

<sup>6</sup> 42 U.S.C. 654 (7), 45 C.F.R 304.21

A IV-D case is one with a parent (mother, father, putative father) who is now or eventually may be obligated under law for the support of a child or children receiving services under the state Title IV-D program. This includes parents receiving assistance under TANF and parents whose children are: (1) recipients of Temporary Assistance for Needy Families (TANF) under Title IV-A of the Social Security Act or (2) entitled to Foster Care maintenance payments under Title IV-E of the Social Security Act. IV-D cases also include cases in which an individual:

- (i) Files an application for the services with the IV-D agency . . . .; or
- (ii) Is a non-IV-A Medicaid recipient; or
- (iii) Has been receiving IV-D services and is no longer eligible for assistance under the title IV-A, IV-E foster care, and Medicaid program.

### ***How Federal Funding for Title IV-D Programs Works***

In addition to funding 66% of the cost of the child support program, federal law also provides incentive payments to the states. Incentive payments are based on the state's performance in five program areas: 1) paternity establishment; 2) support order establishment; 3) current support payments; 4) support arrearage payments; and 5) cost effectiveness.<sup>7</sup>

Some state courts have reported that the state IV-D agency has been hesitant to enter into cooperative agreements to fund self-help services in the courts because of concerns that it could raise their administrative costs, which would negatively impact their cost effectiveness rate. Cost effectiveness is measured by comparing the total administrative costs of the child support program to the amount of child support collected. If the costs of court based self-help services are not offset by increased collections, the incentive payments that the state receives for cost effectiveness may be reduced.

However, cost effectiveness is only one of five performance measures. In calculating the amount of incentive funds that each state receives, cost effectiveness and support arrearage payments are given less weight than paternity establishment, support order establishment, and current support payments.

In addition, the state IV-D agency's concern that the cost effectiveness performance measure will be negatively impacted due to the increased administrative costs of funding cooperative agreements with courts assumes that self-help services will not have an impact on collections. In fact, self-help services, which provide parents with meaningful access to the courts, may help increase compliance with court orders and therefore increase collections.

Even if collections are not significantly increased due to self-help services they can have a positive impact on the other performance measures. For example, the current support payment performance measure is based on the ratio of current support collected to the amount of current support due. Self-help services can help insure that support orders

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<sup>7</sup> 42 U.S.C 658A; 45 C.F.R. 305.2

more accurately reflect the parent's ability to pay based on the parents' current circumstances. If orders are more accurate based upon parents' ability to pay, the current support performance measure would improve. Improvement in the current support performance measure could offset any loss of incentives caused by a reduction in cost effectiveness.

Support order establishment is another performance measure for which self-help services can have a positive impact. The measure is calculated by dividing the number of cases in the IV-D caseload with support orders by the total number of cases in the IV-D caseload. Courts and the IV-D agency could explore ways in which self-help services might help the IV-D agency increase the number of support orders in the agency's caseload. For example, the self-help center might help self-represented parents obtain child support orders as part of their divorce proceedings. The self-help center can then refer the custodial parent to the IV-D agency for assistance with collection and enforcement. The case enters the IV-D caseload with a support order already established and increases the support order establishment percentage.

An understanding of federal incentives based on federal performance measures can help the court and the IV-D agency design court based self-help services that will not only provide due process for self-represented parents, but also help the state IV-D agency improve their performance on the federal performance measures and increase the amount of federal incentives that the state receives.

#### ***Title IV-D Funding for Court Based Self-help Services***

Title IV-D child support services provide an important opportunity for the funding of court based self-help services related to paternity establishment and the establishment, modification, and enforcement of support orders. Indeed, a number of states already take advantage of this opportunity.

For example, in California, collaboration between the state Department of Child Support Services (IV-D agency) and the state Administrative Office of the Courts (AOC) has made it possible to place family law facilitators in the superior courts in every county in the state. These court-based facilitators assist parents by providing a full range of Title IV-D self-help related services including helping parents to respond to the initial request for parentage/support, assisting parents in completing requests for court modification of support, and assisting with legal forms to get court resolution of arrears disputes, among other services. Facilitators respond to over 125,000 requests for Title IV-D assistance each year. The early success of the family law facilitator program encouraged the California courts to seek other sources of funding to provide self-help services for other family law issues and in other types of civil cases. Title IV-D funding for the family law facilitator program proved to be the foundation for self-help services in California. Additional funding from other sources allowed for the expansion of self-help services to other substantive areas, providing far-ranging impact beyond the Title IV-D funded support cases.

Similarly, in Hennepin County, Minnesota, child support informational services are integrated into the Court's self-help center, with the needs of parents and children addressed by court staff, and the costs of those staff are reimbursed through a cooperative agreement with the IV-D agency. Services include one-on-one assistance, support in completing forms, and online informational materials.<sup>8</sup>

OCSE's expanded focus on child well-being and increased non-custodial parent participation in children's lives are creating new opportunities for an expanded court role in providing services to parents in Title IV-D child support cases. In 2012, OCSE launched the Parenting Time Opportunities for Children (PTOC)<sup>9</sup>, a pilot program to give child support agencies grants to develop, implement, and evaluate procedures to establish parenting time orders along with new child support orders. The goal of the pilot program is to learn more about how the child support program can safely and effectively give families opportunities to establish parenting time orders, thereby improving child well-being overall and related child support outcomes.

PTOC grants provided funding for 4 years to five pilot projects in different states. The five pilot projects will plan, pilot, and evaluate strategies to establish parenting time responsibilities at the same time as initial child support orders. Grantees will assure that their strategies are appropriate within the state's child support program structure and process; coordinate with the applicable state access and visitation program; fully incorporate effective family violence safeguards into all grant activities; and are consistent with existing state laws, structures, and programs.

The pilot projects<sup>10</sup> are: 1) Fairfield County, Ohio Child Support Agency; 2) Florida Department of Revenue, Child Support Enforcement Program; 3) Monroe County, Indiana; 4) Oregon Department of Justice, Division of Child Support; and 5) County Of San Diego, California, Department of Child Support.

Since parenting time requires a court order, each of the pilot projects involves cooperation between the IV-D agency and the courts. Several of the projects coordinate with mediation services provided in the courts. Of particular note is the San Diego County pilot project in California, which established a partnership with the Family Law Facilitator, the existing self-help program in the court. The Family Law Facilitator provides information to parents about parenting time and assists them with preparing and filing the necessary forms to have their parenting time issues resolved by the court. The Family Law Facilitator coordinates with Family Court Services, which provides mandatory mediation for parenting time disputes.

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<sup>8</sup> See Appendix 1 for program descriptions of Title IV-D funded self-help programs.

<sup>9</sup> Child Support Fact Sheet Series No. 14 - Promoting Child Well-Being and Family Self-Sufficiency - July 2013. Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services. A copy of the fact sheet is in Appendix 2.

<sup>10</sup> More information about the grants is located at <http://www.acf.hhs.gov/programs/css/resource/discretionary-grants-for-parenting-time-opportunities-for-children-in-the>

## II. Building a Relationship between the Courts and the IV-D Agency

The state legislature or the IV-D agency<sup>11</sup> generally decides whether the IV-D agency will enter into or approve cooperative agreements with other government entities to provide child support services. There are a number of factors that the state legislature or the IV-D agency may consider when deciding whether to establish self-help services for parents in Title IV-D cases.

The first step for state courts that would like to consider seeking Title IV-D funding for child support related self-help services is to establish a relationship with the IV-D agency. Many courts already have such a relationship. In states in which IV-D agencies (state or local) establish, modify, and enforce child support in the courts, the IV-D child support agency can be one of the biggest users of court services. Many courts already have cooperative agreements to provide quasi-judicial officers such as commissioners, court clerk staff, and other administrative services for the processing of IV-D cases. Many of these courts have established committees and other protocols for communication between the court and the IV-D agency on funding and procedural issues of common concern.

OCSE has long encouraged collaboration between state and local IV-D agencies and the courts. In November 1994, OCSE created a National Judicial-Child Support Task Force to promote and enhance child support program-judicial collaboration efforts on topics of mutual interest. The task force produced a number of publications for OCSE including one in 2008, the *Judicial-Child Support Collaborative Planning Guide for Leading Change*.<sup>12</sup> The guide promotes collaboration between the courts and IV-D agencies in order to improve child support case processing and outcomes for families with IV-D child support cases. For courts that do not already have protocols for collaboration with the IV-D agency, the guide provides several models used in various states.

State courts that have self-help programs or are in the process of exploring whether to establish a self-help program should use existing avenues of communication to explore with the IV-D agency whether to establish court based self-help services for parties with IV-D cases. Courts that do not already have existing avenues of communication with the IV-D agency should consider establishing them. Steps in the process of deciding whether to form a partnership to provide self-help services should include:

1. An assessment by the court and IV-D agency of the informational and assistance needs of self-represented parents;

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<sup>11</sup> In California, the family law facilitator program was established through legislation, which was sponsored by the IV-D agency. In other states, court based self-help programs were established and funded through cooperative agreements between the IV-D agency and the courts.

<sup>12</sup> The *Judicial-Child Support Collaborative Planning Guide for Leading Change* can be found at: [http://www.acf.hhs.gov/sites/default/files/ocse/dcl\\_08\\_31a.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/dcl_08_31a.pdf)

For a list of OCSE Publications designed for courts, see Appendix 5.



2. Discussion of models for meeting such needs and an assessment of which model is the best fit for the particular court and the IV-D agency;
3. Identification of specific services to be provided by the court and clarification as to which are appropriate for Title IV-D reimbursement;
4. Formalization through a cooperative agreement specifying those services to be provided by the court in Title IV-D cases and the requirements for Title IV-D funding, including the recordkeeping, timekeeping, and confidentiality requirements. The cooperative agreement should specify whether the court or the IV-D agency will provide the thirty-four (34) percent state share of funding.
5. Finalization of court deployment plans for self-help programs.

Establishing court based self-help services for self-represented litigants in Title IV-D cases can benefit the parents involved in the process, the IV-D agency, and the courts.

### ***Benefits for Children and Parents***

A fact sheet issued by OCSE, titled *Access to Justice Innovations* states:

*When parents are provided accurate information about the child support process, are given the opportunity to present information about their circumstances and are really listened to, support orders are more accurate and parents are more likely to comply with the orders. In fact, research suggests that parents are more likely to comply with child support orders that they perceive to be fair, while they are less likely to comply with child support orders that they perceive to be unfair. Implementing fair and inclusive procedures that ensure that parents are meaningful participants in child support proceedings is an important step in avoiding future civil contempt proceedings and other costly enforcement measures, including jail. (Footnote omitted.)<sup>13</sup>*

Court based self-help services can help ensure that self-represented litigants in Title IV-D child support cases are provided accurate information about the child support process, assist them in presenting information to the court about their circumstances, and otherwise prepare them to become meaningful participants in their child support proceedings.

### ***Benefits for Title IV-D Child Support Programs***

In addition to the increases in accuracy and compliance described above, state child support agencies gain from an improved relationship with the courts, which in turn ensures smoother cooperation in the processing of cases. Most importantly the provision of such services by the state courts improves the information and support provided to

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<sup>13</sup> Child Support Fact Sheet Series No. 3 - Access to Justice Innovations - June 2012  
Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services

litigants during the support establishment, collection, and compliance process. This can improve the efficiency and effectiveness of all components of the system, and increase collections and compliance. Increases to collection and compliance with support orders can help the IV-D agencies increase their federal funding by improving their performance in some of the federal performance measures.

### ***Benefits for State Courts***

For the state courts, provision of self-help services in cooperation with the IV-D agency increases court efficiency, promotes accurate, final, and enforceable outcomes, increases public trust and confidence, and saves resources. The provision of such services is generally 66% reimbursable, without federal cap, when included in a cooperative agreement pursuant to the state's IV-D Plan. Title IV-D funding makes services such as court self-help programs for self-represented litigants with paternity and/or child support issues easier to deploy and more cost effective.

### **III. The Role of the State Plan and Cooperative Agreements**

Federal law requires each state to submit a state plan in order to be eligible for federal Title IV-D funding. The state plan outlines how the state will provide child support services and engage in other activities in compliance with federal law.<sup>14</sup>

The state must establish a single statewide agency that is responsible for the Title IV-D child support program in the state. The agency may be a standalone state agency or department or may be part of a larger state agency or department. This statewide child support agency is the sole point of contact for the federal government and the entity through which federal Title IV-D funding flows. The state child support agency is usually responsible for preparing the state plan and for obtaining approval from the Governor's office for submitting it to the OCSE. OCSE reviews the plan and approves it if they determine that it complies with federal law.

The state IV-D agency may contract with other state agencies and local jurisdictions to provide child support services to parents. The state agency or the local jurisdictions may also contract with other governmental entities such as law enforcement agencies and the state courts to provide Title IV-D services. Federal law requires a written cooperative agreement that details the services to be provided and the mechanisms for providing funding for the services.<sup>15</sup>

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<sup>14</sup> 45 CFR 92.11 contains requirements for State Plans. All state plans can be found at <http://www.acf.hhs.gov/programs/css/resource/state-plan-system>

<sup>15</sup> 45 C.F.R. 302.34. "The State plan shall provide that the State will enter into written agreements for cooperative arrangements under § 303.107 with appropriate courts. . . . Such arrangements shall contain provisions for providing courts and law enforcement agencies with pertinent information needed in locating noncustodial parents, establishing paternity and securing support, to the extent that such information is relevant to the duties to be performed pursuant to the arrangement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. . . ." 45 CFR §303.107 details the general requirements for such cooperative agreements.

Thus, state courts may be reimbursed for child support services that they provide through a cooperative agreement. The cooperative agreement may be between the state agency and a statewide court entity or between the state agency and local courts or between a local child support agency and the local court.

If the cooperative agreement is between the state IV-D agency and a statewide court entity and the statewide court entity provides funding to local courts to provide child support services, a cooperative agreement between the statewide court entity and the local courts may be required depending on the nature of the relationship between the statewide court entity and the local courts in each particular state.

In other words, there must always be a cooperative agreement whenever federal Title IV-D funding is being provided to an entity that is providing Title IV-D services. The cooperative agreement sets forth the services to be provided, the reporting requirements for receiving funding, and must contain a provision that the entity receiving Title IV-D funding will comply with all federal laws and requirements as a condition for receiving the funding.

See Appendix 6 for Sample Cooperative Agreements.  
See Appendix 9 for a Model Cooperative Agreement.

#### **IV. Self -Help Services that are Eligible for Title IV-D Reimbursement.**

The following are the key rules governing eligibility for reimbursement.

*A. Costs, with some exceptions specified in subsection B below, must be for paternity establishment and the establishment, modification, and enforcement of child support in Title IV-D cases.<sup>16</sup>*

*B. Allowable costs for child support services in which the IV-D agency is not involved are related to outreach.*

Outreach includes hours spent working on child support establishment, modification, and enforcement, paternity establishment, companion spousal support enforcement, and health insurance matters for persons who have not yet applied for title IV-D services with the local child support agency. Reimbursable activities that may be included in outreach hours include providing information and referral services, distributing court forms, and explaining court processes. Allowable outreach costs also include costs for assisting parents in completing and filing voluntary paternity acknowledgements and for assisting parents in providing the appropriate information to have their non IV-D support orders included in the state case registry and the state disbursement unit.

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<sup>16</sup> 42 U.S.C. 651

The cooperative agreement between the court and the IV-D agency should specify which non IV-D activities are considered outreach and reimbursable.

*C. Costs cannot include costs of obtaining the divorce, or custody, visitation (parenting time) or protective orders, even if incurred in the same case.*

It is this requirement that produces the greatest complexity, and needs the most careful tracking.<sup>17</sup> See discussion regarding timesheets and costs allocation below.

*D. Excluded are the costs of judges and all costs associated with judges<sup>18</sup>*

It is for this reason that many states have created the role of court commissioners, referees, and other quasi-judicial officers, who either spend all their time on child support matters or, if part time, document their time spent on IV-D cases. The costs for subordinate judicial officers and all of their support costs are reimbursable to the extent their time is devoted to Title IV-D paternity and child support matters.

*E. There is no prohibition upon use of contract services.*

Thus, for example, a legal aid program might provide self-help services under contract with the court. All Title IV-D requirements would still apply.

*F. Although there is no maintenance of effort requirement, the court or IV-D agency has to provide the required 34% state funding match.*

Thus, a court that has been providing child support self-help services and has not previously billed the IV-D agency could enter into a cooperative agreement with the IV-D agency and bill some of its costs and get 66% reimbursement.<sup>19</sup>

## **V. Accounting Requirements**

This section provides an overview of federal accounting requirements. Courts should work closely with the IV-D agency when implementing accounting procedures to insure compliance with all state and federal requirements. In particular, courts that have staff who work both on reimbursable IV-D activities and on other non-reimbursable activities should work with the IV-D agency to secure approval from the HHS Regional Office for the methodology used to track the time of those employees.

Accounting requirements for federal funding are governed by 2 CFR 225, “Cost Principles for State, Local, and Indian Tribal Governments,” (formerly OMB Circular A-87) which establishes principles for allowable costs for state, local, and tribal

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<sup>17</sup> See discussion regarding OCSE parenting time initiatives above.

<sup>18</sup> 45 C.F.R. 304.21 (b) prohibits federal financial participation for the costs of judges and all costs associated with judges including support staff.

<sup>19</sup> The state share of costs may be provided by the court or the IV-D agency. The cooperative agreement should specify who will be providing the state share.

governments. It provides exhaustive information on allowable costs and accounting requirements.

2 CFR 225<sup>20</sup> permits the reimbursement of direct costs and indirect costs. Typical direct costs chargeable to federal awards are:

- A. Compensation of employees for the time devoted and identified specifically to the performance of those awards;
- B. Cost of materials acquired, consumed, or expended specifically for the purpose of those awards;
- C. Equipment and other approved capital expenditures; and
- D. Travel expenses incurred specifically to carry out the award.

Employees who work part time on IV-D activities and part time on other non-reimbursable activities must keep timesheets documenting their time on each of the activities *unless the federal OCSE approves another method* for determining the cost allocation of the employee's time. Other methods may include case counting or time studies for specific periods of time on a monthly or quarterly basis.

Indirect costs are overhead costs incurred by the grantee agency (court) or the cost of services provided by one agency to another within a governmental unit. Some examples of indirect costs include information technology (IT) support, human resource services such as personnel recruiting and administration of employee benefits, janitorial services, and security costs.

To claim indirect costs, the courts are required to calculate an indirect cost rate based on a formula approved by the federal government. Indirect cost rates must be approved by the IV-D agency and OCSE. To avoid the complex indirect cost rate proposal process, courts may opt instead to charge up to ten percent (10%) of the direct costs incurred by the court.

2 CFR 225 contains detailed explanations of direct and indirect costs and the requirements for charging costs against Title IV-D funding. Courts that receive Title IV-D funding should work closely with their IV-D agency when setting up accounting systems and documentation requirements for Title IV-D funded costs.

California's AB 1058 Child Support Commissioner and Family Law Facilitator Program Invoice Reporting Instructions and Family Law Facilitator accounting forms are found in Appendix 8.

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<sup>20</sup> A link to 2 CFR 225 is contained in Appendix 6.

## **VI. Reporting and Record-Keeping Requirements**

2 CFR 225 outlines accounting related record-keeping requirements for audit purposes. There may also be state record-keeping and reporting requirements. Depending on the services provided by the self-help services, the IV-D agency may need the court to keep statistics to comply with federal reporting requirements. The cooperative agreement between the courts and the IV-D agency should specify all record-keeping and reporting requirements.

OCSE is required to conduct periodic audits of the “adequacy of financial management of the state IV-D program, including assessment of whether the funds to carry out the state program are being adequately expended, and are properly and fully accounted for....”<sup>21</sup> The audits will generally include a review of court based programs and expenditures funded with Title IV-D money through a cooperative agreement. To avoid audit exceptions that result in disallowed costs, courts should work closely with the IV-D agency to ensure that accounting procedures meet federal requirements.

## **VII. Conclusion**

Most parents in Title IV-D child support cases are self-represented. The Title IV-D agency provides services to both parents, but does not represent either parent. Title IV-D child support agencies and state courts both have an interest in providing the parents in these cases with meaningful access to justice. Court based self-help services can play a critical role in helping parents understand child support procedures, and in helping them prepare and present information to the court about their circumstances. Accurate information about the parents’ circumstances helps ensure accurate court orders with which parents can comply.

Title IV-D agencies can provide Title IV-D funding to the state courts for court based IV-D services through cooperative agreements. The first step for state courts that want to explore the possibility of obtaining Title IV-D funding for self-help programs is to establish a good working relationship with the state IV-D agency. Together, the state IV-D agency and the state courts can design a program that not only helps provide due process to litigants in IV-D cases, but also enhances the state IV-D agency’s ability to increase federal incentive funding. In order to design such a program, the state courts and the state Title IV-D agency must have a good understanding of how federal Title IV-D funding works.

The state courts must comply with all federal requirements in order to receive funding. This resource guide is intended to facilitate cooperation between state IV-D agencies and state courts. It provides an overview of how federal funding works and federal requirements for receiving funding. State courts that do receive Title IV-D funding should work closely with the state IV-D agency to ensure that they have appropriate accounting and other procedures that comply with federal requirements.

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<sup>21</sup> 45 C.F.R. 305.60 and 42 U.S.C. 652(a)(4)(C)(ii)

Title IV-D child support funding can serve as a critical piece of the funding needed for courts to provide self-help services to self-represented litigants. Federal law provides that Title IV-D funding may be used only for paternity and child support order establishment, support order modifications and enforcement. However, combined with other sources of funding, state courts can begin to piece together the resources needed to provide comprehensive self-help programs.

**Appendices:**

1. Child Support Fact Sheet Series No. 3 – *Access to Justice Innovations* – June 2012.
2. Title IV-D Statutes and Regulations
3. Pertinent OCSE Policy Documents
4. Court Related OCSE Publications
5. Sample Cooperative Agreements
6. OMB – Circular A-87
7. Sample Accounting Documents
8. Model Cooperative Agreement



## **Appendix 1**

**Child Support Fact Sheet Series No. 3 – Access to Justice Innovations –  
June 2012.**

[http://www.acf.hhs.gov/sites/default/files/ocse/access\\_to\\_justice\\_innovations\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/access_to_justice_innovations_0.pdf)

**Child Support Fact Sheet Series No. 14 - Promoting Child Well-Being and Family  
Self-Sufficiency - July 2013.**

[http://www.acf.hhs.gov/sites/default/files/programs/css/14\\_discretionary\\_grants\\_for\\_ptoc\\_final.pdf](http://www.acf.hhs.gov/sites/default/files/programs/css/14_discretionary_grants_for_ptoc_final.pdf)

## Appendix 2

### Title IV-D Statutes and Regulations

#### Statutes

[42 USC Part D - Child Support and Establishment of Paternity | Title 42 - The Public Health and Welfare | U.S. Code | LII / Legal Information Institute](#)

#### Regulations

[45 CFR Chapter III - OFFICE OF CHILD SUPPORT ENFORCEMENT \(CHILD SUPPORT ENFORCEMENT PROGRAM\), ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES | Title 45 - Public Welfare | Code of Federal Regulations | LII / Legal Information](#)

## Appendix 3

### Pertinent OCSE Policy Documents

1. Action Transmittal 82-18 – Federal Financial Participation in the Cost of Cooperative Agreements with Courts and Law Enforcement Agencies

<http://www.acf.hhs.gov/programs/css/resource/final-rule-ffp-for-cooperative-agreements-with-courts-and-law-enforcement>

2. PIQ 10-01 – Federal Financial Participation for Non IV-D Activities

<http://www.acf.hhs.gov/programs/css/resource/federal-financial-participation-and-non-iv-d-activities>

3. PIQ 12-02 Partnering with Other Programs Including Outreach, Referral and Case Management Activities

<http://www.acf.hhs.gov/programs/css/resource/partnering-with-other-programs-and-activities>

## APPENDIX 4

### Court Related OCSE Publications

**1. The Judicial-Child Support Collaborative Planning Guide for Leading Change  
DCL-08-31**

<http://www.acf.hhs.gov/programs/css/resource/new-collaborative-planning-guide-for-child-support-and-the-judiciary>

**2. Child Support Enforcement (CSE) Agencies and Courts Project  
DCL-01-43**

<http://www.acf.hhs.gov/programs/css/resource/child-support-enforcement-cse-agencies-and-courts-project>

**3. Report on Study of Administrative and Judicial Processes for Establishing Child Support Orders  
DCL-03-15**

<http://www.acf.hhs.gov/programs/css/resource/study-of-administrative-and-judicial-processes-for-establishing-orders>

**4. Data Exchange Between Child Support Agencies and Courts  
DCL-03-31**

<http://www.acf.hhs.gov/programs/css/resource/data-exchange-between-child-support-agencies-and-courts>

**5. National Judicial - Child Support Task Force Strategic Plan  
DCL-06-37**

<http://www.acf.hhs.gov/programs/css/resource/national-judicial-child-support-task-force-strategic-plan>

**6. OCSE Grants Involving Child Support and Judicial Collaboration  
DCL-07-29**

<http://www.acf.hhs.gov/programs/css/resource/report-on-ocse-grants-involving-child-support-and-judicial-collaboration>

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**OCSE Court Related Documents**

**7. Data Standards Endorsement of the Child Support and Court/Judicial Message Exchange Data Model  
DCL-08-39**

<http://www.acf.hhs.gov/programs/css/resource/data-standards-endorsement-of-the-child-support-and-court-data-exchange>

**8. Setting Appropriate Child Support Orders, a Report from the National Judicial-Child Support Task Force  
DCL-09-15**

<http://www.acf.hhs.gov/programs/css/resource/setting-appropriate-child-support-orders-a-task-force-report>

**9. Judicial Bench Cards: Child Support and the Judiciary  
IM-11-02**

<http://www.acf.hhs.gov/programs/css/resource/judicial-bench-cards-child-support-and-the-judiciary>

## **Appendix 5**

### **Sample Cooperative Agreements**

- 1. Minnesota Department of Human Services and the Minnesota Supreme Court**
- 2. California Department of Child Support Services and Judicial Council of California (developed by the Judicial Council of California, Administrative Office of the Courts).**
- 3. California Judicial Council and local Superior Court contract template for Family Law Facilitator Services (developed by the Judicial Council of California, Administrative Office of the Courts).**
- 4. Alaska Child Support Services Division and Alaska Court System**

**APPENDIX 6**

**2 CFR 225 (Former OMB Circular A-87)**

**[http://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105\\_a87.pdf](http://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105_a87.pdf)**

## **APPENDIX 7**

### **Sample Accounting Documents**

- 1. California Child Support Commissioner and Family Law Facilitator Program Invoice Reporting Instructions (developed by the Judicial Council of California, Administrative Office of the Courts).**
- 2. California Family Law Facilitator Accounting Forms (developed by the Judicial Council of California, Administrative Office of the Courts).**
- 3. California Family Law Facilitator Reimbursability Decision Tree (developed by the Judicial Council of California, Administrative Office of the Courts).**
- 4. Washington Department of Social and Health Services, Division of Child Support and Chelan County Superior Court Memorandum of Understanding.**
- 5. Maryland Managing the Judiciary's Cooperative Reimbursement Agreement (CRA) [IV-D Masters] A Manual for Administrative Judges , Masters and Court Administrators**
- 6. Minnesota Maximus IV-D Cost Allocation Plan**



## Appendix 8

### Model Cooperative Agreement<sup>22</sup>

This Agreement is entered into by and between \_\_\_\_\_ (the IV-D Agency) and \_\_\_\_\_ (the Courts) for the coordination of respective efforts related to the provision of IV-D child support services by the courts.

The IV-D Agency is responsible for developing and administering the child support enforcement program in the State of \_\_\_\_\_ in compliance with all federal requirements.

The Courts are responsible for the administration of court proceedings and other court services within the state.

The purpose of this agreement is to develop procedures and a cost reimbursement structure to enable the courts to provide IV-D child support services to parents through self-help centers in the courts and to insure that the services provided meet federal requirements for federal financial participation.

**1. The Courts agree to:**

- A. Provide self-help services to self-represented litigants involved in Title IV-D child support cases. Self-help services include: distributing court forms and other pleadings, assisting litigants in completing and filing the paper work required to participate in their cases, preparing child support guideline calculations, explaining court procedures, and making referrals to other services including services related to child custody and timeshare arrangements (e.g. child custody mediation, parenting classes, supervised visitation services).

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<sup>22</sup> This model Cooperative Agreement provides general provisions that IV-D agencies and Courts might consider including in their cooperative agreements. It assumes that the agreement is between the state IV-D agency and a statewide court entity that distributes funding to local courts. These provisions should be modified as necessary to conform to individual state court organizational structures, local program designs, and to comply with state laws governing inter-agency agreements. This model agreement between the IV-D agency and the courts is designed to address only the provision of court-based self-help child support services. The IV-D agency and the courts often need to cooperate and coordinate other issues related to the filing, processing, and adjudication of IV-D child support cases and may already have cooperative agreements in place. In those instances, the provisions related to self-help services should be incorporated into existing cooperative agreements.

- B. Provide outreach services to non IV-D litigants with child support issues. Outreach services include: providing information about child support and referral to IV-D services, distributing court forms, and explaining court processes for establishing paternity and establishing, modifying, and enforcing child support orders. Allowable outreach costs also include costs for assisting parents in completing and filing voluntary paternity acknowledgements and for assisting parents in providing the appropriate information to have their non IV-D support orders included in the State Case Registry and the State Disbursement unit records.
- C. Ensure that self-help services are provided in compliance with requirements to receive federal funding.
- D. Ensure that self-help services are supervised by an attorney.
- E. Establish and review periodically minimum mandatory education and training requirements which include both state and federal laws and regulations for all court personnel assigned to provide self-help services in Title IV-D child support cases.
- F. Provide training at least annually, to all court personnel assigned to provide self-help services in Title IV-D child support cases.
- G. Provide technical assistance to local courts on issues relating to operation of child support services, including assistance related to funding, staffing, and the sharing of resources between counties.
- H. Adopt and revise minimum standards of performance for IV-D self-help services and any forms or rules of court that are necessary for implementation and ongoing operation, as appropriate.
- I. Study, and to the extent feasible incorporate, the use of automation and other appropriate technology in the delivery of self-help services.
- J. Establish meet-and-confer processes in consultation with the IV-D agency and affected county departments and courts for resolving issues which may arise in connection with the operation of self-help IV-D child support services in the courts.
- K. Gather invoices for allowable IV-D costs from the local courts.
- L. Ensure that indirect court costs claimed for IV-D self-help services are calculated in compliance with federal OMB Circular A-87 and have been approved by the IV-D Agency.

- M. Require timely submission from the local courts for all claims for reimbursement for Title IV-D services.
- N. Aggregate all claims for reimbursement and submit to the IV-D agency for reimbursement in a format and on a schedule agreed on by the IV-D agency and the Courts.
- O. Distribute funding to the local courts for Title IV-D child support services and related allowable Title IV-D costs in compliance with state and federal laws and regulations.
- P. Maintain program and fiscal data as required by state or federal law.
- Q. Cooperate with any state or federal review or audit.
- R. The Courts may enter into subcontracts for the provision of services under this Agreement, but only after obtaining the prior written consent of the IV-D Agency.

2. **The IV-D Agency agrees to:**

- A. Cooperate in the operation of IV-D self-help service in the courts.
- B. Provide timely responses to the Courts' requests for information and/or technical assistance.
- C. Review the Courts' billing procedures and provide technical assistance as needed to ensure that the procedures meet state and federal claiming requirements.
- D. Assist the court in developing a cost allocation plan or indirect cost rate proposal that complies with the requirements of 2 CFR 225. Submit the Court's cost allocation plan or indirect cost rate proposal to the Administration of Children and Families in the United States Department of Health and Human Services for approval.
- E. Submit cost claims for federal reimbursement in accordance with federal regulations and provide federal reimbursement with matching state funds (*which party provides the state matching funds should be specified*) to the Courts for the Courts' allowable costs related to the operation of self-help services.
- F. Maintain program and fiscal data as required by state or federal law.
- G. Meet and confer with the Courts and, if necessary, affected county departments and courts regarding problems that may arise in connection with the IV-D self-help services.

3. **Joint Responsibilities:**

- A. Maintain such records as required by state and federal law or practice and as the IV-D Agency and the Court may jointly agree.
- B. Designate staff to have primary responsibility for program liaison and coordination of activities under this Agreement and meet, when necessary, to further define specific program procedures. Either party may change the designated contact person by notification to the other party in writing. The project representatives will be:

The Courts:  
*(Name and contact information)*

The IV-D Agency:  
*(Name and contact information)*

- C. Review and copy any records and supporting documentation pertaining to the performance of this Agreement as required by any state or federal review or audit of the program. Each party agrees to pay to the other the amount of the state's liability to the federal government due to an audit exception resulting from that party's failure to perform the responsibilities or comply with the conditions required by this Agreement.
- D. Protect all sensitive data, documentation or other information designated confidential by either the IV-D Agency or the Court and made available to the other party in order to carry out this Agreement. The identification of all such confidential data and information, as well as the providing Agency's procedural requirements for protection of such data and information from unauthorized use and disclosure, will be provided in writing to the receiving Agency by the providing Agency. It is understood that both parties shall comply with safeguarding of information requirements in state and federal law.

4. **Budget Detail and Payment Provisions**

*The budget, claiming procedures, and payment provisions vary in each state. Insert this information as required by your state. Language containing how changes in state and federal budgets will impact the agreement should be included. For example, the IV-D agency and/or the Courts may want a clause that states that reductions in state or federal funding may result in modifications to or termination of this agreement.*

5. **Special Terms and Conditions**

- A. Amendment: This Agreement may be amended by mutual agreement of the parties hereto, in writing. No alteration or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on either party.
- B. Cancellation: Either party may terminate this Agreement for any reason, upon thirty days (30) prior written notice. This Agreement may be terminated

immediately, to be followed by written notice, by either party upon material breach by the other party of the terms of this Agreement.

C. Certification Regarding Lobbying<sup>23</sup>

1. In accordance with section 1352, Title 31 of the U.S. Code, for agreements with contractors who are state entities not under the authority of the Governor, or cities, private firms or agencies which are receiving in excess of \$100,000 in federal funds to perform services, by signing this Agreement the Courts certify, to the best of its knowledge and belief, that:
  - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Courts, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Courts shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (<http://www.whitehouse.gov/omb/grants/sflllin.pdf>)
2. The Courts shall require that certification language be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.
3. Signing this Agreement, and thereby certifying that these requirements will be met, is a prerequisite for making or entering into this transaction imposed by section 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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<sup>23</sup> Federal law requires certain certifications in contracts and interagency agreements that involve federal money. There may be other federal certifications required. The IV-D agency and the courts should check with the Administration for Children and Families in the United States Department of Health and Human Services to determine if there are other requirements for contracts involving federal money at the time the Cooperative Agreement is drafted.

D. Debarment and Suspension

For federally funded agreements in the amount of \$25,000 or more, the Courts certify by signing this Agreement that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. Where the prospective recipient of federal funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal. (Executive Order 12549, 7 CFR Part 3017, 45 CFR Part 76, and 44 CFR Part 17).

<http://www.acf.dhhs.gov/programs/ofs/grants/debar.htm>.