



Resolution to Amend the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Division A, Title II, Subtitle B, Sec. 2201. 2020.(d)(2) to Include Subsection (c)

Introduction

National Parents Organization (NPO) is a 501(c)(3) organization that improves the lives of children through reform of the family courts and related agencies, such as those that enforce child support policies. We are the largest such organization in the United States and perhaps in the world.

The impact of the COVID-19 crisis on the child support program and the families it serves is wide-ranging. NPO supports a balanced approach by looking at the whole family with a goal of ensuring children are financially supported while preserving self-sufficiency for both parents.

One crucial component of the CARES Act provides for \$1,200 to be given to individual citizens within certain income limits. We understood the purpose of the payment was to provide immediate and necessary relief to individuals who may have been impacted by the COVID-19 pandemic. We recognize how important it is that the payment be paid to each parent without being offset for past-due support, as the self-sufficiency of both parents needs to be the immediate focus. Millions of good faith child support payers have been abruptly laid off or otherwise lost significant amounts of income due to government-mandated closures and they are badly in need of economic relief.

Background

Congress elected not to exclude past-due child support from offset in the CARES Act apparently because of the perception that the payments would go to parents that are owed support. But in reality, under current child support distribution laws, a significant amount of child support collections obtained through the federal tax offset program go to *government owed* debt—and not parents and children.

Even in those cases where the amount would otherwise be directed to the recipient parent, the federal government requires the state child support program to hold funds it receives from the Federal Income Tax Refund Offset Program up to six months to make sure it's correct. When the state child support program finally processes these payments to the recipient parent they will deduct a \$25 IRS fee in many cases.

It's not too late to take corrective action.

THEREFORE, NPO resolves to urge Congress to:

To add Subsection (c) to the CARES Act, Division A, Title II, Subtitle B, Sec. 2201. 2020.(d)(2) and then to immediately request that the Department of the Treasury recover the \$1,200 Stimulus payments sent to the state child support programs in order to pay them to the child support payers along with any other \$1,200 stimulus payments that may not yet have been passed on to the States.

Adopted by the NPO Board of Directors on May 4, 2020



Resolution to Amend Social Security Act (SSA) Title IV, Part D, Sec. 466.(a)(9)(C) (the “Bradley Amendment”) to Waive this Provision during the COVID-19 Crisis

Introduction

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The impact of the COVID-19 crisis on the child support program and the families it serves is wide-ranging. NPO supports a balanced approach by looking at the whole family with a goal of ensuring children are financially supported while preserving self-sufficiency for both parents.

Millions of good faith child support payers have been abruptly laid off or otherwise lost significant amounts of income due to government-mandated closures and they are already beginning to accumulate arrears. Many of them are unaware that the Bradley Amendment prohibits them from retroactive child support relief unless they get into court and file a motion for modification. Even if they do know this, the courts are currently closed for these types of cases and after re-opening they will be further delayed due to a substantial influx of filings. Most of these child support payers will be unable to file the required motion for modification for many months, and some for well over a year, during which time they will accrue child support arrears that can likely never be paid or relieved. This is a massive injustice in the making.

THEREFORE, NPO resolves to urge Congress to:

Amend Social Security Act (SSA) Title IV, Part D, Sec. 466.(a)(9)(C) (the “Bradley Amendment”) to waive this provision during the COVID-19 crisis.

Adopted by the NPO Board of Directors on May 4, 2020



Resolution to Amend the State Statutes, upon Congress Amending the “Bradley Amendment” to Waive this Provision during the COVID-19 Crisis, to Remove Language That Limits the Retroactive Modification of Child Support to Any Period during Which the Petitioning Party Has Pending a Motion for Modification

Introduction

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The impact of the COVID-19 crisis on the child support program and the families it serves is wide-ranging. NPO supports a balanced approach by looking at the whole family with a goal of ensuring children are financially supported while preserving self-sufficiency for both parents.

Millions of good faith child support payers have been abruptly laid off or otherwise lost significant amounts of income due to government-mandated closures and they are already beginning to accumulate arrears. Many of them are unaware that the Bradley Amendment prohibits them from retroactive child support relief unless they get into court and file a motion for modification. Even if they do know this, the courts are currently closed for these types of cases and after re-opening they will be further delayed due to a substantial influx of filings. Most of these child support payers will be unable to file the required motion for modification for many months, and some for well over a year, during which time they will accrue child support arrears that can likely never be paid or relieved. This is a massive injustice in the making.

THEREFORE, NPO resolves to urge the [State] Legislature to:

Amend the state statutes, upon Congress amending the “Bradley Amendment” to waive this provision during the COVID-19 crisis, to remove language that limits the retroactive modification of child support to any period during which the petitioning party has pending a motion for modification.

Adopted by the NPO Board of Directors on May 4, 2020



Resolution to Amend State Statutes Pertaining to Child Support Enforcement so that they Exclude Child Support Payers Who Have Been Making Regular Recent Payments (Even If Only Partial Payments) On Their Child Support Orders

Introduction

National Parents Organization (NPO) is a 501(c)(3) organization that improves the lives of children through reform of the family courts and related agencies, such as those that enforce child support policies. We are the largest such organization in the United States and perhaps in the world.

NPO supports a balanced approach by looking at the whole family with a goal of ensuring children are financially supported while preserving self-sufficiency for both parents.

Background

There is a major injustice occurring as a result of the way that State Legislatures approach implementing the enforcement requirements contained in the federal Social Security Act (SSA), Title IV-D (Child Support) Program. In their effort to confront the serious issue of complete non-payment by child support obligors, hereinafter referred to as child support evaders, state legislatures have set criteria for the use of enforcement measures that have unintentionally swept into that punitive system millions of good faith child support payers. These good faith child support payers primarily consist of individuals who lack an *ability* to pay their full child support orders.

A child's best interest is the centerpiece of the child support program's mission. Creating financial harm to good faith child support payers is clearly not in a child's best interest. For example, one of the most immediate enforcement measures applied as required by federal and state statutes is the reporting of an arrearage balance to credit bureaus by the state child support agency. The results of this reporting can be very damaging to the child support payer including the loss of ability to borrow funds that could be used to help pay child support, the loss of access to housing, impairing the ability to obtain employment, increased insurance premiums that are unaffordable, etc.

NPO recognizes the importance of pursuing enforcement remedies against true child support evaders. At the same time, we have heard the pleas for help and seen for ourselves the urgent need to advocate for changes in state statutes that are causing unintended financial harm to good faith child support payers. While the states are required to establish these federal statutory enforcement requirements into their state's statutes, they are given latitude in determining thresholds to put in place on them.

THEREFORE, NPO resolves to urge the [State] Legislature to:

Amend state statutes pertaining to child support enforcement so that they exclude child support payers who have been making regular recent payments (even if only partial payments) on their child support orders.

Adopted by the NPO Board of Directors on May 4, 2020