

Strong States, Strong Nation



Legislative Trends in Child Support

 NATIONAL CONFERENCE *of* STATE LEGISLATURES

Meghan McCann, JD
Senior Policy Specialist
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Outline



- Who is NCSL
- NCSL's work on child support policy
- About state legislators/legislatures
- Same-sex marriage issues
- Incarceration and child support legislation
- Cooperation requirements
- Other legislative trends

Who is NCSL?

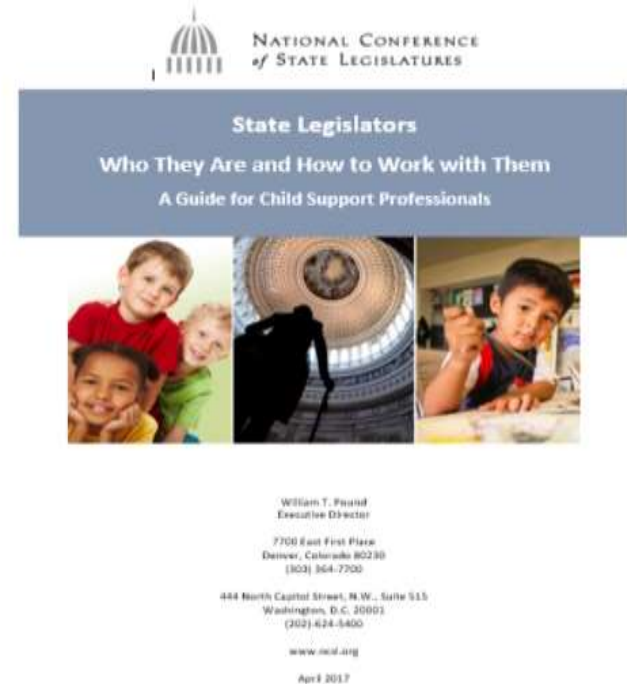


- Bipartisan organization serving legislators and staff in all 50 states and territories
 - Improve the quality and effectiveness of state legislatures
 - Promote policy innovation and communication among state legislatures
 - Provide state legislatures a strong, cohesive voice at the federal level

NCSL's Work on Child Support Policy



- ❑ Contract with OCSE to create clearinghouse of policy resources
- ❑ Track 50-state legislation on child support
- ❑ Connect legislators and child support directors
- ❑ Prepare policy briefs, 50-state comparisons, child support 101, quarterly newsletter
- ❑ Convene meetings, testify before state legislative committees
- ❑ Highlight state innovations



About State Legislators



- ❑ 7,383 legislators and 25,000 legislative staff
- ❑ 20% turnover each election
- ❑ Citizen vs. “Professional” legislatures
- ❑ Generalists, but usually have a priority issue
 - 500 – 16,000 bills introduced in one session (WY-NY)
- ❑ Problem solvers
- ❑ Normal people!

What do Legislators Care About



- ❑ Solving problems
 - ▣ Want to understand problems and find solutions
- ❑ Using data and research
 - ▣ Want to know what works and how much it will cost
- ❑ Learning from others
 - ▣ Want to know what other states are doing
- ❑ Responding to constituent concerns
 - ▣ Want to know the impact on their district

How to Communicate with Legislators



- ❑ Reach out to them (within protocol)
- ❑ Provide facts and figures as well as the story
- ❑ Be clear about the legislative role
- ❑ Know what you need, how much it will cost and how it will be paid for
- ❑ Know the rules and process
- ❑ Know the context

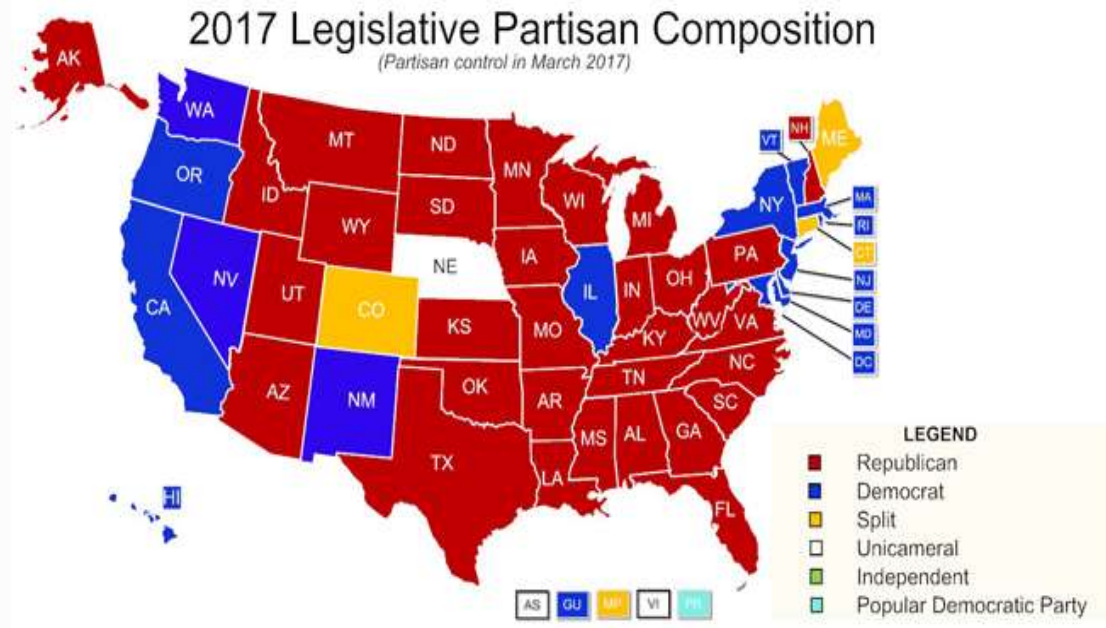


Partisan Composition and 2016 Election



2016 Election Stats:

- 5,917 legislative seats were up
- 1,263 new legislators were elected
- On average, around 20% of legislators are new each election



Source: National Conference of State Legislatures

Same-Sex Marriage Issues



- Since Obergefell... not much happening
- Issues that have been addressed:
 - ▣ Gender neutral language
 - ▣ Determining Parentage

Gender Neutral Language



- ❑ General Language Changes
- ❑ Birth Certificates
 - ▣ A few states have statutes
 - ▣ Mostly non-statutory amendments to vital records forms
- ❑ Marital Presumptions
 - ▣ CA, DC, IL, ME, NH, WA
- ❑ Application/Interpretation of Existing Law
 - ▣ DC, MN, NH, OR, RI, VT, WA have statutes on statutory construction

Determining Parentage

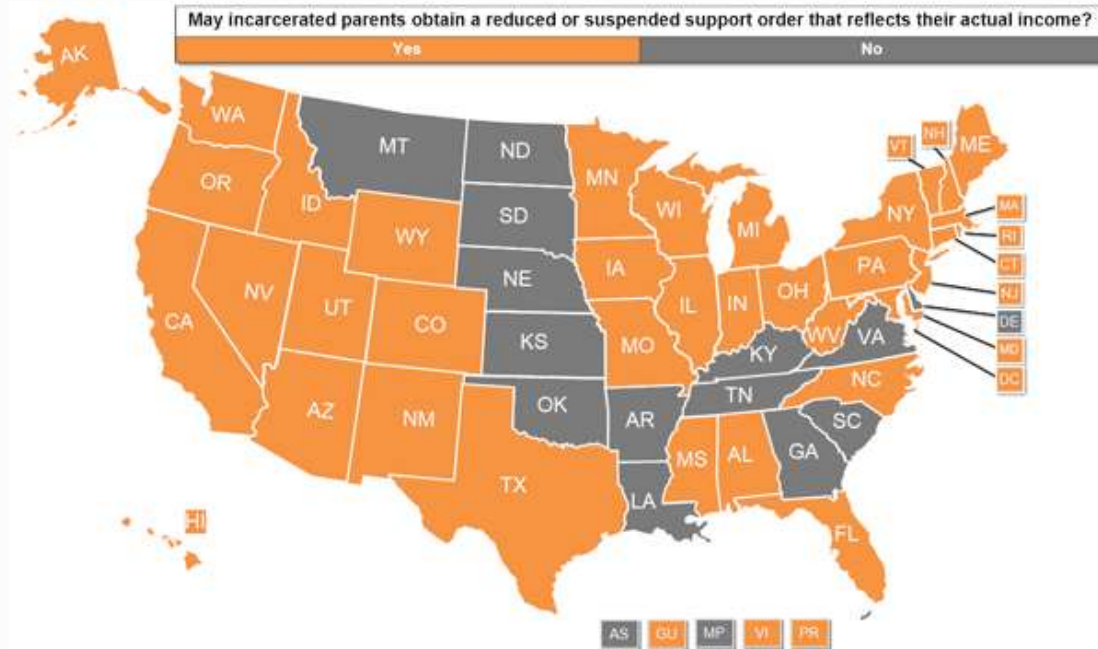


- Uniform Parentage Act Amendments
 - ▣ 11 states have adopted the 2002 version: AL, DE, IL, ME, NM, ND, OK, TX, UT, WA, WY
- De Facto Parentage
- Assisted Reproduction

Incarceration and Child Support



- Currently, every states has a procedure for criminal and civil contempt for failure to pay child support.
- States to the right allow for modification during incarceration.



Incarceration and Child Support



- 19 states introduced 46 bills in 2017
 - ▣ Reentry Services: mainly job training
 - ▣ Suspension and Modification during Incarceration: some automatically by operation of law
 - ▣ Information Sharing: notifying inmates of modification procedures
 - ▣ Work Release/Work While Incarcerated/Alternatives to Incarceration
 - ▣ Contempt/Ability to Pay
 - ▣ Criminal Penalties
 - ▣ Parent Programs/Children of Incarcerated Parents Programs

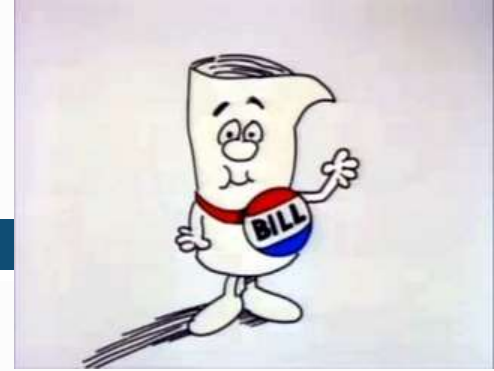


Cooperation Requirements



- Child Care
 - ▣ 2017 legislation in North Carolina and Washington
 - ▣ 2016 legislation enacted in Colorado, Kansas and North Carolina
 - ▣ 6 states have in statute (NY is recommendation)
 - ▣ 13 states have in regulation
- SNAP
 - ▣ 7 states (FL, ID, KS, MA, MI, NE, OH)
 - ▣ 2017: 11 states have introduced legislation (AL, AK, AR, IN, MS, NH, NC, SC, SD, WV, WI)

Other Legislative Trends



- ❑ More than 800 bills have been introduced in 2017 so far
- ❑ Enforcement: driver's licenses
- ❑ Workforce Development
- ❑ Fatherhood/Healthy Family Relationships: primarily funding for programs
- ❑ Custody and Visitation: grandparents, military parents, shared parenting/joint custody
- ❑ Parental Rights and Sexual Assault
- ❑ Pass-Through and Disregard (MD S 1009, MA S 30, MAH1952)
- ❑ Parentage: establishment, disestablishment, putative fathers, assisted reproduction

Resources



- Child Support and Family Law Legislation Database: <http://www.ncsl.org/research/human-services/child-support-and-family-law-database.aspx>
- Child Support Homepage: <http://www.ncsl.org/research/human-services/child-support-homepage.aspx>
- Child Support and Incarceration: <http://www.ncsl.org/research/human-services/child-support-and-incarceration.aspx>
- Parenting Time and Child Support Orders: <http://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx>

Questions?



Meghan McCann

Senior Policy Specialist

NCSL-Denver

303-856-1404

Meghan.McCann@ncsl.org