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States Should Trust Parents Receiving TANF to Decide Whether Seeking Child Support Is Best for Their Families

Testimony of Diana Azevedo-McCaffrey, Senior Policy Analyst on Housing and Income Security Team, Submitted to the Maryland House Appropriations Committee in Support of H.1490

I am Diana Azevedo-McCaffrey, Senior Policy Analyst on the Housing and Income Security team at the Center on Budget and Policy Priorities, a nonpartisan research and policy institute in Washington, D.C. I lead the CBPP's work on the intersection of child support policy and the Temporary Assistance for Needy Families program (TANF). We work on advancing policy changes throughout the country that improve the federal child support program for families in or close to poverty. I lead a coalition of state advocates working to advance these policy changes, and I provide technical assistance to advocates and other stakeholders in their efforts. Along with Vicki Turetsky, former Commissioner of the Office of Child Support Services (OCSS) during the Obama Administration, I have researched and co-authored several reports on TANF cost recovery in the child support program.

Families receiving TANF cash assistance are required by federal law to apply for child support services and turn over their rights to child support to the state while they are receiving TANF services. Under federal law, states have flexibility to exempt families receiving TANF from participating in the child support program when doing so is not in the best interests of the child.¹ Recent federal guidance, issued jointly by the Office of Child Support Services and the Office of Family Assistance, clarified situations that states might consider to allow families more choice in the process.² Some states have used this flexibility to expand their good cause policies in the TANF child support cooperation requirement. For example, Massachusetts and Wyoming exempt caretaker relatives when child support cooperation is not in the best interest of the child. Other states like Pennsylvania and New York have improved their TANF policies for survivors of domestic violence, such as not requiring survivors seeking good cause to produce documentation like police reports as evidence. Even though families may have many reasons not to seek child support – such as having co-parenting arrangements or safety concerns due to domestic violence –

few states take advantage of this flexibility to respect parents' decisions about what is best for their families. By enacting H.1490, Maryland would lead the way in making greater use of the flexibility afforded to states to improve the child support system's impact on children and families.

H.1490 protects families receiving TANF cash assistance from having their benefits reduced or terminated due to noncooperation with child support requirements when recipients have reasons under the defined "good cause" criteria. H. 1490 would codify existing criteria under Maryland Department of Human Services' policy that exempt a family from the child support cooperation requirement including safety concerns of families experiencing domestic violence; in process proceedings for the adoption of the child; and the child being conceived as a result of rape or incest. H.1490 would also expand good cause to exempt a TANF applicant from pursuing child support if doing so could risk discouraging the noncustodial parent or other relatives of the child from maintaining a relationship with the child and providing emotional or other support. For example, a grandparent caring for their grandchild may not want to pursue child support against their own adult child if doing so would negatively impact family dynamics and the child's relationship with their parents and other relatives.

In addition to strengthening and expanding the good cause criteria, H.1490 would create a standard process by which the Department of Human Services will process and grant good cause. H.1490 requires the department to inform recipients about their options: if they participate in the child support program, they can receive at least a portion of collected monthly payments, which are disregarded when determining TANF eligibility and the monthly benefit amount, due to Maryland's child support pass-through and disregard policies.³ Or, if cooperation is not in their child's best interest, recipients can decide not to participate in the program by claiming a good cause exemption.

The department is also required to inform recipients of the criteria for good cause, and the time frame and process for requesting good cause. Oral or written statements from recipients would be sufficient evidence to prove good cause; if the recipient needs assistance, the department is required to assist them in preparing a written statement using a standardized form. The department is also prevented from imposing requirements that add costs on recipients, such as requiring the written statement to be notarized.

In my testimony, I outline several reasons why Maryland should enact H.1490. Last legislative session, Maryland became the second state to enact legislation that will pass through and disregard all support when determining TANF eligibility and the recipient's monthly benefit amount, using a phased-in approach. The state should continue its progress by enacting H.1490 to support parents and other primary caregivers' decisions about what is best for their families, promote family well-being and safety, and remove barriers to public assistance when families turn to programs like TANF during hardship.

Parents Should Decide Whether to Participate in the Child Support Program Regardless of Their Participation in Public Assistance

Child support can be a significant source of family income, especially for families in poverty. If they sign up voluntarily and do not receive TANF cash assistance, families receive all the child support paid to them. However, other families, arguably most in need because they receive TANF, are forced to seek child support through the federal program only to see some or all the child support due to them intercepted and kept by states and the federal government. All custodial parents and caretakers should have access to child support services regardless of income – but *whether* to participate in services should be their decision. Research shows parents who are required to cooperate because of public benefits can feel “voiceless and disrespected” when they don’t wish to participate in the program.⁴

Parents who receive TANF are already striving to provide for their children financially and emotionally. One-parent households participating in TANF, overwhelmingly led by women and disproportionately by women of color, must make careful decisions about how to secure support and maintain stability for their families. Likewise, many noncustodial parents whose children are in households receiving TANF cash assistance – most of whom are men and disproportionately men of color – contribute to their children in a variety of ways, whether through financial support, shared caregiving, or other forms of involvement. Families often develop arrangements that reflect their unique circumstances, relationships, and safety considerations. H.1490 recognizes that parents and caregivers are the best positioned to make informed decisions about whether formal child support enforcement is the right path for their family – not the state or federal government. By expanding the good cause criteria for noncooperation to include different reasons why child support services may not be in a child’s best interest, the bill affirms that parents are capable of deciding how best to provide for their children and preserve family stability.

Mandatory Child Support Participation Disregards Families’ Circumstances and Can Harm Family Relationships

Mandatory participation in the child support program ignores the fact that many parents who live apart have already established co-parenting relationships involving a combination of informal financial support (cash support paid directly to the custodial family and not credited against a legal obligation); in-kind support (non-monetary support contributed to the custodial family); cost-sharing arrangements; and shared caregiving responsibilities.⁵ Forcing families to participate regardless of their circumstances can harm family dynamics by disrupting existing co-parenting arrangements and increasing conflict between parents and other family members.⁶ In fact, many custodial parents decide against obtaining a child support order because they have existing arrangements with the noncustodial parent.⁷

Turbulent family dynamics are stressful and can be traumatic for children as they grow up. Research shows that experiencing parental loss and high levels of parenting and economic stress create lifelong risks to children’s health, well-being, and economic opportunity.⁸ These studies suggest that preventing early adversity may improve health and life outcomes that reverberate across generations, and that healthy family dynamics can play a role in helping children thrive as they grow up.

Child Support Cooperation Requirement Can Prevent Families Facing Hardship From Accessing Vital Supports

For families experiencing poverty, cash assistance through the TANF program can be a vital lifeline, enabling them to pay for rent, utilities, diapers, food, transportation, and other necessities while maintaining financial stability.⁹ Families also turn to TANF during times of crisis; TANF cash assistance can help a family facing eviction avert homelessness or help a survivor of domestic violence take steps toward financial independence. Yet many families struggling to make ends meet cannot access the TANF program, in part, due to onerous program requirements that restrict access. In 2023, only 25 out of every 100 Maryland families with children in poverty received TANF cash assistance.¹⁰

The child support cooperation requirement can be a significant barrier for families when applying for and maintaining enrollment in the TANF program. Research finds that requiring families eligible for TANF to participate in the child support program even if they do not think it is in their best interest can discourage parents from applying to the TANF program in the first place.¹¹ Noncompliance in child support is a key reason why families are sanctioned and experience a reduction or termination of their cash benefits.¹²

By enacting H.1490, Maryland can reduce barriers to the TANF program and protect families from having their TANF benefits reduced or terminated due to child support noncompliance.

Child Support Cooperation Requirement Prevents Survivors From Getting Help; Can Risk More Violence

TANF cash assistance can be a vital resource for survivors of domestic violence. However, the child support cooperation requirement can make it harder for survivors to access TANF and build the financial stability necessary to leave abusive relationships and rebuild their lives. Survivors may decide not to apply to the TANF program due to safety concerns stemming from the child support cooperation requirement. This is because the requirement can place survivors at risk if collection efforts trigger new violence or reveal their previously undisclosed location to an abusive partner or ex-partner.¹³ And if a survivor chooses to pursue child support, child support agencies should have safeguards and processes in place to prevent risking more violence, such as by ensuring a survivor's location remains undisclosed.

Although most states are required to screen TANF applicants for domestic violence and provide waivers from program requirements as needed, good cause determination processes don't work well for survivors.¹⁴ Despite the high incidence of domestic violence nationwide,¹⁵ data show that few families are granted waivers for domestic violence reasons.¹⁶ This underscores the need for states to improve good cause policies and processes to meet the needs of survivors. According to a study, 53 percent of survivors surveyed reported not having any "proof" of what they experienced, and most reported that specific forms of proof, such as police reports, were either unavailable to them or unsafe to obtain.¹⁷ Accepting client statements as sole proof of victimization – which is a provision in H.1490 – mitigates retraumatization, conveys trust too often denied to survivors and people with low incomes, and facilitates timely access to resources by reducing administrative barriers.

By enacting H.1490, Maryland can improve good cause processes to ensure that survivors and their families can access the resources they need without risking their safety.

Conclusion

Child support services are critical for families who seek them. But at the same time, every family should be able to choose whether participating in the child support program is the best decision for their children given their circumstances. Mandating cooperation regardless of a family's unique circumstances can undermine the goals of providing needed support to families and respecting parents' decisions about what is best for their families. By enacting H.1490, Maryland can continue to be a national leader in shifting its child support and TANF programs toward supporting families in poverty. H.1490 would strengthen the processes that facilitate parents' autonomy over whether to participate in child support services and reduce barriers to accessing cash assistance.

¹ 42 U.S.C. §654(29)

² "U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement, "OFA - OCSS Joint Letter on Child Support Cooperation Requirements," January 16, 2025, <https://acf.gov/css/policy-guidance/ofa-ocss-joint-letter-child-support-cooperation-requirements>.

³ Maryland enacted legislation in the 2025 legislative session that will pass through and disregard all support when determining TANF eligibility and in computing the recipient's monthly benefit, using a phased-in approach. Through Fiscal Year 2027, the first \$100 of child support collected in a month for one child and the first \$200 of child support collected in a month for two or more children is passed through and disregarded. The amount will increase annually and by 2031, any child support collected in a month will be passed through and disregarded.

⁴ Lisa Klein Vogel, Alexis M. Dennis, and Nasitta Keita, "Let's Bring it into the 21st Century: Perceptions of Fairness in Child Support," *Children and Youth Services Review*, Vol. 163, August 2024, https://www.sciencedirect.com/science/article/pii/S0190740924003396?_cf_chl_tk=SQaHOeOkmfDQQINCXhViVraM5hxcWY4NnQdhEPgyWDs-1772216774-1.0.1.1-EvBJOdUKRVLKf3KwMgnUMbRkcHuyjhtsUD9zBSO7vw.

⁵ Dan Bloom and Kay Sherwood, "Matching Opportunities to Obligations: Lessons for Child Support Reform from the Parents' Fair Share Pilot Phase," MDRC, 1994, <https://files.eric.ed.gov/fulltext/ED373270.pdf>.

⁶ Elizabeth Clary *et al.*, "Providing Financial Support for Children: Views and Experiences of Low-Income Fathers in the PACT Evaluation," Office of Policy Research and Evaluation (OPRE), 2017, <https://www.mathematica.org/publications/providing-financial-support-for-children-views-and-experiences-of-low-income-fathers>; Frank F. Furstenburg, Kay E. Sherwood, and Mercer L. Sullivan, "Caring and Paying: What Fathers and Mothers Say About Child Support," MDRC, 1992, https://www.mdrc.org/sites/default/files/full_53.pdf.

⁷ Timothy Grall, "Custodial Mothers and Fathers and Their Child Support," *Current Population Reports*, P60-262, U.S. Census Bureau, May 2020, <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>. In the most recent sample of the Current Population Survey-Child Support Supplement (CPS-CSS) conducted by the U.S. Census Bureau, the top two reasons given by custodial parents for not having a legal agreement to receive financial support are because they "did not feel the need to make it legal" (39 percent) and "the other parent provides what he or she can" (38 percent).

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- ⁸ Bahareh Jabbari, Caroline Schoo, and Audra S. Rouster, "Family Dynamics," Centers for Disease Control and Prevention, September 16, 2023, <https://www.ncbi.nlm.nih.gov/books/NBK560487>; Marilyn Meltzer, "Adverse childhood experiences and life opportunities: Shifting the narrative," *Children and Youth Services Review*, Vol. 72, January 2017, <https://www.sciencedirect.com/science/article/pii/S0190740916303449>.
- ⁹ Victoria Bowden *et al.*, "TANF Is a Vital Resource for People Facing Hardship but Needs to Reach More Families," CBPP, October 1, 2025, <https://www.cbpp.org/research/income-security/tanf-is-a-vital-resource-for-people-facing-hardship-but-needs-to-reach>.
- ¹⁰ *Ibid.*
- ¹¹ Kathryn Kaplan *et al.*, "Temporary Assistance For Needy Families: Sanctioning And Child Support Compliance Among Black Families In Illinois," December 2022, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00746>.
- ¹² See Tables 12 and 43 in Office of Family Assistance (OFA), "Characteristics and Financial Circumstances of TANF Recipients Fiscal Year (FY) 2023," https://acf.gov/sites/default/files/documents/ofa/fy2023_characteristics.pdf; Kaplan *et al.*, 2022.
- ¹³ Timothy Casey *et al.*, "Not Enough: What TANF Offers Family Violence Victims," The Women's Legal Defense and Education Fund and National Resource Center on Domestic Violence, March 2010, <https://www.legalmomentum.org/sites/default/files/reports/not-enough-what-tanf-offers.pdf>.
- ¹⁴ Shaina Goodman, "The Difference Between Surviving and Not Surviving," National Resource Center on Domestic Violence and Georgetown Center on Poverty and Inequality, January 2018, https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018_0.pdf.
- ¹⁵ U.S. Centers For Disease Control and Prevention, "National Intimate Partner and Sexual Violence Survey (NISVS)," May 16, 2024, <https://www.cdc.gov/nisvs/about/index.html>.
- ¹⁶ See Table 9 in U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, "Families with a Domestic Violence Exemption Monthly Average, Fiscal Year 2023," <https://acf.gov/sites/default/files/documents/ofa/wpr2023table09.pdf>; CBPP, "TANF and Domestic Violence: Cash Assistance Matters to Survivors," October 26, 2021, <https://www.cbpp.org/research/income-security/tanf-and-domestic-violence-cash-assistance-matters-to-survivors>.
- ¹⁷ Free From, "Trust Survivors: Building an Effective and Inclusive Cash Assistance Program," 2021, https://www.communitysolutionsva.org/files/Trust%2BSurvivors%2BReport_2021.pdf.