



MAY 01 2019

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria VA 22302

SUBJECT: State Flexibilities Related to Custodial and Noncustodial Parents' Cooperation with State Child Support Agencies

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

The Food and Nutrition Service (FNS) is issuing this memorandum to alert all Supplemental Nutrition Assistance Program (SNAP) State agencies of the available State options and requirements related to child support cooperation, as a condition of eligibility for SNAP.

These options are provided under section 6 of the Food and Nutrition Act (the "Act"), 7 U.S.C. 2015 (2008) and SNAP regulations at 7 CFR 273.11. While these State options are long-standing SNAP policy, FNS stands ready to provide technical assistance to any State interested in implementing these flexibilities.

Disqualifying Custodial or Noncustodial Parents for Failure to Cooperate: Under sections 6(l) and (m) of the Act and SNAP regulations at 7 CFR 273.11(o) and (p), State agencies may deny SNAP eligibility to a custodial or non-custodial parent of a child under the age of 18 if the individual does not cooperate with the State Child Support Agency, specifically:

- *Custodial Parents:* Section 6(l) of the Act provides State agencies with the option to disqualify an individual if they fail to cooperate with the Child Support Agency in establishing paternity of the child (if the child is born out of wedlock) and obtaining support for the child or the individual and the child. A State agency may determine that there is good cause for the individual's refusal to cooperate by taking into consideration circumstances in which cooperation may be against the best interest of the child.
- *Non-Custodial Parents:* Section 6(m) of the Act allows the State agency to determine a putative or identified *noncustodial parent* ineligible to participate in SNAP for refusal to cooperate in establishing paternity of the child (if the child is born out of wedlock) and providing support for the child. If the State Child Support Agency determines that the non-custodial parent is not cooperating in good faith, the State agency will determine whether non-cooperation constitutes a refusal or unwillingness to cooperate as opposed to an inability to cooperate. *Noncustodial parents* determined to have refused to cooperate are ineligible and State agencies do not have the ability to establish good cause.

State agencies electing either or both of these two options may not require the payment of a fee or other costs for services provided as it relates to cooperation with the State Child Support Agency.

Disqualifying for Child Support Arrears: Section 6(n) of the Act and SNAP regulations at 7 CFR 273.11(q) provide State agencies with the option to deny SNAP eligibility to an individual as a member of any household during any month that the individual is delinquent in any payment due under a court order for the support of a child of the individual. Exceptions include when the court allows the individual to delay payment or when the individual is complying with a payment plan approved by a court or the State Child Enforcement Program to provide support for the child of the individual.

State agencies interested in pursuing these options should reference SNAP regulations at 7 CFR 273.11(o), (p), and (q), along with the authorizing statutory language under sections 6(l), (m), and (n) of the Act (7 U.S.C. 2015(l), (m), (n)) for additional background on available State flexibilities.

Please distribute this memorandum to your State agencies and advise them to contact their respective Regional Office points of contact with any questions and for technical assistance. Regional Offices should contact Sasha Gersten-Paal at Sasha.Gersten-Paal@fns.usda.gov with any questions concerning this memorandum.

Sincerely,

A handwritten signature in black ink, appearing to read "Lizbeth Silberman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Lizbeth Silberman

Director

Program Development Division