



DATE: June 6, 2024

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – State Policy Options Related to Custodial and Non-Custodial Parent Cooperation with State Child Support Agencies (CSA)

TO: All SNAP State Agencies
All Regions

In May 2019, the Food and Nutrition Service (FNS) reminded State agencies that they may choose to require custodial and non-custodial parents to cooperate with the State Child Support Agency (CSA) as a condition of eligibility for the Supplemental Nutrition Assistance Program (SNAP) and disqualify individuals in arrears for child support.¹ This memorandum provides additional information and considerations for States regarding this option. State SNAP agencies that implement these options must fully comply with program rules. Additionally, FNS encourages State SNAP agencies that have implemented or are considering implementing any of the options to critically evaluate the impacts they have on vulnerable individuals' access to nutrition assistance, especially children, and determine if the implementation of child support requirements to access SNAP best meets the needs of participants.

Considerations Before Implementing the Child Support Disqualification Options

SNAP disqualifications decrease families' power to buy food to meet their basic needs. A [recent FNS study](#) showed little evidence that these options increase child support cooperation or improve family outcomes. The study also indicated that the loss of SNAP benefits puts families' abilities to meet their nutrition needs at risk.

The child support disqualification options are complex and require substantial upfront and ongoing administrative work to implement. This increases the administrative and monitoring responsibilities of both State SNAP and CSA workers, along with system costs, while many State SNAP agencies struggle to provide timely, accurate SNAP benefits. State SNAP agencies implementing these options must ensure its policy and procedures are applied fairly, consistently, and equitably across the State. State SNAP agencies should not apply these options if they are unprepared for the caseload churn and additional administrative requirements resulting from implementation. Insufficient processes could negatively impact children and create burdensome administrative processes for workers.

¹ [State Flexibilities Related to Custodial and Non-custodial Parents' Cooperation with State Child Support Agencies](#). The child support disqualification options are provided at section 6(1), (m) and (n) of the Food and Nutrition Act and 7 CFR 273.11(o), (p), and (q).

Responsibility for Establishing Policies and Procedures and Ongoing Administration

To operate these child support disqualification options, State SNAP agencies must establish and maintain comprehensive administrative processes and policy manuals and provide initial and ongoing training to staff applying these options.

Options to Disqualify Custodial and Non-Custodial Parents for Refusal to Cooperate

Requirements of State SNAP agencies include:

1. Notifying individuals of their requirement to cooperate with the State CSA at both initial application and recertification;
2. Notifying individuals of their right to good cause and the associated requirements;
3. Referring all appropriate individuals to the State CSA;
4. Determining if an individual has good cause for non-cooperation or an inability to cooperate (as described in the following section);
5. Disqualifying custodial and non-custodial parents for non-cooperation with the State CSA and notifying individuals of their disqualification;
6. Ending an individual's disqualification once the State SNAP agency determines the individual is cooperating with the State CSA; and
7. Ensuring individuals are not required to pay a fee or other costs for services related to child support and establishment of paternity that are provided under Part D of Title IV of the Social Security Act.

Options to Disqualify Individuals for Child Support Arrearages

Requirements of State SNAP agencies include:

1. Applying this option only to non-custodial parents except when
 - a. The court is allowing delayed payment;
 - b. The individual is complying with an approved payment plan;
 - c. The State SNAP agency has determined an individual has good cause for non-support.
2. Establishing claims for collections when appropriate; and
3. Notifying households of claims through written demand letters with the amount owed and how the household may pay the claim.

Responsibility for Determining Good Cause and Inability to Cooperate Before Applying a Disqualification

For both custodial and non-custodial parents, if the TANF, Medicaid, or the State CSA has determined that an individual has good cause for non-cooperation, then the State SNAP agency must consider this individual as cooperating and not disqualify them.

Before disqualifying an individual for non-cooperation, State SNAP agencies must determine if the individual has good cause for refusing to cooperate (custodial parent) or is unable to cooperate (non-custodial parent).

For custodial parents, State SNAP agencies must determine good cause when the circumstances for cooperating are not in the child's best interest. Individuals may have good cause if:

1. An individual meets the good cause criteria established by TANF, Medicaid, or the State CSA to define good cause;
2. An individual meets any other good cause criteria identified by the State SNAP agency; or
3. The individual's cooperation may make it more difficult for the individual to escape domestic violence or unfairly penalize the individual who is or has been victimized, or the individual is at risk of further domestic violence.

For non-custodial parents, State SNAP agencies must determine if an individual's non-cooperation constitutes a refusal to cooperate (i.e., a demonstrated unwillingness to cooperate) or an inability to cooperate.

The State SNAP agency must not disqualify the individual if they have good cause or if there is an inability to cooperate.

Responsibility for Coordinating with State CSAs

Implementing the child support disqualification options requires that State SNAP agencies collaborate closely with State CSAs. The State SNAP agency must:

1. Establish data-sharing agreements with the State CSA to identify custodial and non-custodial parents to ensure only appropriate individuals are referred to the CSA for child support cooperation;
2. Update systems to ensure timely sharing of information;
3. Identify additional State-specific good cause criteria in collaboration with the State CSA or the State Temporary Assistance for Needy Families (TANF) program; and
4. Develop processes for ongoing communication with the State CSA for:
 - a. Sharing good cause determinations made by SNAP for review by the State CSA or State TANF program;
 - b. Sharing good cause determinations made by TANF, Medicaid, or the State CSA for review by SNAP; and
 - c. Applying disqualifications and re-qualifying individuals when in compliance.

Additional Ways SNAP Supports State CSAs

Before implementing any policy option, State SNAP agencies should consider whether the option will improve families' food security or will cause harm. If the State SNAP agency determines it cannot properly implement the option in compliance with all rules or that doing so will lead to unintended consequences, it should not implement.

Instead, State SNAP agencies should consider alternative ways to support the State CSA. SNAP rules encourage cooperation with child support by allowing households to exclude or deduct from income the costs of legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member. State SNAP agencies can support the State CSA by amplifying this policy among participants, community partners and CSA networks.

FNS is available to provide technical assistance. Please contact your FNS regional office with any questions or technical assistance.

Sincerely,

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