



CENTER FOR FAMILY POLICY AND PRACTICE

**STATE LAWS AND ADMINISTRATIVE CODES ON THE TREATMENT OF CHILD SUPPORT FOR FAMILIES RECEIVING TANF
CASH ASSISTANCE**

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as of April 13, 2005

STATE	DOES STATE COUNT CHILD SUPPORT TO DETERMINE TANF ELIGIBILITY	DOES STATE PASS THROUGH CHILD SUPPORT TO TANF RECIPIENTS	FOR STATES THAT PASS THROUGH CHILD SUPPORT, DOES PASSED THROUGH CHILD SUPPORT IMPACT ELIGIBILITY FOR TANF	FOR STATES THAT PASS THROUGH CHILD SUPPORT, DOES PASSED THROUGH CHILD SUPPORT IMPACT AMOUNT OF TANF GRANT	STATUTE OR ADMINISTRATIVE CODE
ALABAMA	YES- Child support verified as being received is counted.	NO	Not Applicable	Not Applicable	AL Admin. Code r. 660-3-3-.01; AL Admin. Code r. 660-2-2-.30
ALASKA	YES- A child support payment made in cash is considered income for purposes of determining eligibility.	YES- The department may distribute whichever is less of \$50 or amount of child support actually collected in a month.	NO	NO	AK Stat. s. 47.27.040(c); AK Admin. Code tit. 7, s. 45.400
ARIZONA	YES- The department shall count child support received before the eligibility determination date, as income in the month received.	NO	Not Applicable	Not Applicable	A.R.S. Sec. 46-407; A.R.S. Sec. 46-408; AZ Admin. Code s. R6-12-504; AZ Admin. Code s. R6-12-501
ARKANSAS	YES	NO	Not Applicable	Not Applicable	AR Stat. s. 9-14-109; AR Stat. s. 20-76-401; AR TEA Policy Manual s. 2330
CALIFORNIA	YES	YES- The first \$50 a month of any collected child support payment.	NO	NO	CA Welfare & Institution Code s. 11475.3; CA Welfare & Institution Code s. 11476.2; CA Welfare & Institution Code s. 11477; CA Welfare & Institution Code s. 11450.12; CA Welfare & Institution Code s. 11451.5
COLORADO	YES- All child support payments shall be used to determine eligibility.	NO- County decision: Effective July 1, 2000, a county may pay TANF eligible families an amount that is equal to the state and county share of the child support collection. Yet discussion with child support officials confirm that no county has elected to p	YES- If a county elects to pass through the county and state portion of collected child support, it is considered income for purposes of determining eligibility.	NO- If a county elects to pass through the county and state portion of collected child support, it is not considered income for purposes of grant calculation.	CO Rev. Stat. s. 26-2-108; CO Rev. Stat. s. 26-2-111; CO Rev. Stat. s. 26-13-108; 9 CO Admin. Code s. 2503-1-3.610.1
		ass through child support to the children.			
CONNECTICUT	YES- But the first \$50 of child support received in a month is disregarded.	YES- \$50 a month per child. If the current child support collected exceeds the family's monthly TANF award by \$50, the current child	NO- Nonetheless, the \$50 is counted for eligibility determinations for a family who is subject to time-limited benefits and is applying for a	NO- First \$50 is not used in benefit level calculation. However, if total child support is paid to family because it is greater than TANF	CT Gen. Stat. s. 17b-77; CT Gen. Stat. s. 17b-112; CT Gen. Stat. s. 17b-179; CT Gen. Stat. s. 52-362e

DELAWARE	YES	YES- Up to \$50 passed through.	NO	NO	DE Division of Social Services Manual (DSSM) s.4005.1 (Child Support Payments - TANF)
DC	YES- Count child support made directly to the family.	NO	Not Applicable	Not Applicable	DC Code s. 4-205.19; DC Code s. 4-205.05; DC Code s. 4-205.10; DC Code s. 4-205.11; DC Code s. 4-205.52
FLORIDA	YES- Count child support payments received or expected to be received. Non-recurring child support is budgeted as a lump sum payment.	NO	Not Applicable	Not Applicable	FL Stat. s. 414.085; FL Stat. s. 414.095; FL Admin. Code Ann. r. 65A-4.210; FL Stat. s. 409.2561; FL Admin. Code Ann. r. 12E-1.005
GEORGIA	YES- Child support shall be considered in determining eligibility.	NO - Exception: GAP payments; In general, if the custodial parent receives TANF, the child(ren) can receive some child support if the custodial parent receives the maximum TANF grant amount for their family size. These payments are called "GAP Payments."	NO	NO	GA Stat. s. 19-11-6; GA Stat. s. 49-4-184; GA Stat. s. 49-4-6; Georgia State Plan FY 2003, pages 16-17; GA Admin. Code 290-2-28-.13; GA TANF Manual Volume I, page 1530; GA TANF Manual Volume I, page 1645
		Child support collections on a TANF case apply first towards the GAP payment. [The TANF GAP amount is the difference between the Standard of Need and the Maximum Grant Amount allowed to TANF recipients, minus the custodial family's income.]			
HAWAII	YES-Child support shall be considered unearned income.	NO	Not Applicable	Not Applicable	HI Stat. s. 346-29; HI Admin. R. 17-676-32; HI Admin. R. 17-676-54
IDAHO	YES	NO	Not Applicable	Not Applicable	ID Admin. Code 16.03.03.204; ID Stat. s. 56-203B; ID Admin. Code 16.03.08.214; ID Admin. Code 16.03.08.215
ILLINOIS	YES- All currently available unearned income is considered in determination of eligibility.	YES- The first \$50 or less of collected child support each month.	NO- Child support payments of \$50 or less is exempt from impacting eligibility.	NO- \$50 or less does not impact amount of TANF grant.	IL Admin. Code tit. 89, s. 160.100; IL Admin. Code tit. 89, s. 112.100; IL Admin. Code tit. 89, s. 112.110

INDIANA	YES	NO	Not Applicable	Not Applicable	IN Code s. 12-7-2-44.7; IN Code Ann. s. 12-17-2-21; IN Code Ann. s. 12-14-7-4; IN Code Ann. s.12-14-7-1; 470 IN Admin. Code 2-5-13; 470 IN Admin. Code 10.2-2-1
IOWA	YES	NO	Not Applicable	Not Applicable	IA code 239B.7; IA Admin. Code 441-41.27 (239B); IA Admin. Code 441-41.22(239B); IA Admin. Code 441-95.23(252B)
KANSAS	YES	NO	Not Applicable	Not Applicable	KS Admin. Reg. 30-4-70; KS Admin. Reg. 30-4-113; KS Stat. s. 39-709; KS Admin. Reg. 30-4-112
KENTUCKY	YES - But the first \$50 a month in child support payments is not counted as income.	NO - Exception: If the child support obligation and collection for current support exceeds the grant paid for a month the excess shall be distributed as follows: (a) the portion that represents the federal share shall be sent to the federal government for	YES - But the first \$50 a month is not counted as income.	YES - But the first \$50 a month is not counted as income.	KY Stat. s. 205.720; 921 KY Admin. Reg. 2:016; 921 KY Admin. Reg. 2:040; 921 KY Admin. Reg. 1:410
		reimbursement of public assistance previously paid and (b) the portion that represents the state share shall be sent to the family.			
LOUISIANA	YES	NO- Effective October 2, 1998.	Not Applicable	Not Applicable	LA Admin. Code tit. 67, pt. III, s. 1229; LA Admin. Code tit. 67, pt. III, s. 2514
MAINE	YES	YES- The first \$50 of collected child support per month.	NO	NO	Department of Human Services Maine Public Assistance Manual, Chapter III, 555-3; 22 ME Rev. Stat. Ann. s. 3762; 19-A ME Rev. Stat. Ann. s. 2401; 19-A ME Rev. Stat. Ann. s. 2301
MARYLAND	YES- Should count child support received by the assistance unit.	NO	Not Applicable	Not Applicable	Code of MD Reg. 07.03.03.10; Code of MD Reg. 07.03.03.13

MICHIGAN	YES	NO - But, if a child support payment is received that month, the family will receive a child support participation payment up to \$50 a month. \$50 is maximum amount for each custodial parent regardless of whether there are multiple non-custodial parents w	NO	NO	MI Child Support Manual, CSM 315, "FIP Collection Distribution" on 6/1/00; MI Stat. 400.10 (permission to administer TANF to FIP); MI Stat. 400.57a; MI Family Independence Agency Program Eligibility Manual, PEM 500, "Income" on 10/1/03
		ho pay child support. The participation payment will equal the amount of the current collection when the current collection is less than \$50.			
MINNESOTA	YES	ALL - All, unless payment is also for arrears. Arrears are owed to the state. Each month that the non-custodial parent pays current child support, this money is given to the TANF recipient.	YES- child support passed through to family is part of countable income for determination if the family's income exceeds standard of need.	YES-When the child support is passed through, the government decreases the TANF grant two months later. The government decreases the grant dollar for dollar by the same amount the father paid in child support.	MN Stat. s. 256.741; MN Stat. s. 256.87; MN Stat. s. 256J.33; MN Stat. s. 256J.21
MISSISSIPPI	YES	NO	Not Applicable	Not Applicable	MS Code Ann. s. 43-19-31; MS Code Ann. s. 43-19-35; MS Stat. s. 43-19-39; MS TANF Child Support Manual - Volume III, Section C, page 3801-3802 (Responsibilities of the Eligibility Worker)
MISSOURI	YES - If child support actually and presently exist. But, the first \$50 of monthly child support payments is disregarded in determining eligibility.	NO	Not Applicable	Not Applicable	MO Stat. s. 208.040; MO Stat. s. 208.055; MO Stat. s. 208.150; ; MO Code of State Regs. 40-2.120; MO Code of State Regs. 13 CSR 40-2.335
MONTANA	YES- child support is counted when it is actually available and when the custodial family has a legal interest in it and the legal ability to make it available for support.	NO	Not Applicable	Not Applicable	MT Stat. s. 53-2-613; MT Admin. R. 37.78.215; MT Stat. s. 53-4-241; MT Admin. R. 37.78.402; MT Admin. R. 37.78.406; MT Admin. R. 37.78.416
NEBRASKA	YES	NO	Not Applicable	Not Applicable	NE Rev. St. s. 43-512.07; 468 NE Admin. Code Ch. 2, s. 009

NEW HAMPSHIRE	YES	NO	Not Applicable	Not Applicable	NH Stat. s. 167:79; NH Stat. s. 167:80; NH Code Admin. R. He-W 654.09
NEW JERSEY	YES – But the lesser amount of \$50 or amount of child support actually collected is disregarded in determining initial eligibility.	YES- Lesser amount of \$50 or amount of child support actually collected.	NO	NO	NJ Stat. s. 44:10-49; NJ Admin. Code tit. 10, s. 90-3.8; NJ Admin. Code tit. 10, s. 90-301; NJ Admin. Code tit. 10, s. 90-3.9
NEW MEXICO	YES	YES- Up to \$50 each month of collected child support.	NO	NO	NM Stat. Ann. 27-2B-7; 27-2-28; NM Admin. Code 8.102.520.9; NM Stat. Ann. 27-2-28
NEW YORK	YES - But the first \$50 for each month is disregarded.	YES- First \$50 each month of current child support collections, not arrears. \$50 is maximum amount regardless of whether there are multiple non-custodial parents who pay child support.	NO	NO	NY Social Services Law s. 131-a; NY Social Services Law s. 111-c; 18 NY Admin. Code s. 347.13; 18 NY Admin. Code 352.15; 18 NY Admin. Code 352.22; 18 NY Admin. Code 352.31
NORTH CAROLINA	YES	NO	Not Applicable	Not Applicable	NC Gen. Stat. s. 110-137; NC Admin. Code tit. 10A, r. 71 W .0408; NC Admin. Code tit. 10A, r. 71 W .0607
NORTH DAKOTA	YES	NO	Not Applicable	Not Applicable	ND Stat. 50-09-06.1; ND Admin. Code s. 75-02-01.2-33; ND Admin. Code s. 75-02-01.2-01; ND Admin. Code s. 75-02-01.2-49; ND Admin. Code s. 75-02-01.2-45; ND Admin. Code s. 75-02-01.2-54
OHIO	YES	NO	Not Applicable	Not Applicable	OH Rev. Code Ann. s. 5107.20; OH Admin. Code s. 5101:1-3-10; OH Admin. Code s. 5101:1-23-20; OH Admin. Code s. 5101:1-29-31
OKLAHOMA	YES	NO	Not Applicable	Not Applicable	56 OK Stat. Ann. s. 237; OK Admin. Code s. 340:10-3-40; OK Admin. Code s. 340:10-10-5; OK Admin. Code s. 340:10-10-7
OREGON	YES	NO	Not Applicable	Not Applicable	OR Rev. Stat. s. 418.042; OR Admin. R. 461-145-0080; OR Admin. R. 137-055-6020
PENNSYLVANIA	YES	YES- First pay to the federal	YES	NO	23 PA Consolidated Stat. s. 4374;

RHODE ISLAND	YES - But the first \$50 of collected child support paid by each noncustodial parent each month is disregarded.	YES- Department may opt for up to \$50 each month of collected child support to be passed-through to the family.	NO	NO	RI Gen. Laws s. 40-5.1-10; RI Gen. Laws s. 40-5.1-12; RI Admin. Code 15 020 002 s. 0824.15.05; RI Admin. Code 15 020 002 s. 0824.40
SOUTH CAROLINA	YES	Yes- First \$75 each month of collected child support.	NO	NO	SC Stat. s. 43-5-65; SC Stat. s. 43-5-222; SC Code of Regs. R. 114-1140; SC Code of Regs. R. 114-1150
SOUTH DAKOTA	YES	NO	Not Applicable	Not Applicable	SD Stat. s. 25-7A-2; SD Stat. s. 28-7A-7; SD Admin. R. 67:18:01:25; SD Admin. R. 67:10:03:02; SD Admin. R. 67:10:03:03
TENNESSEE	YES	NO- Exception: If child support is collected for a month and the family's need is not met by the TANF disbursement, the family will receive the lesser of the child support collection or the amount of the unmet need.	YES - But the first \$50 a month is not counted as income.	NO	TN Stat. s. 71-3-154; TN Stat. s. 71-3-155; TN Comp. R. & Regs. 1240-1-50-.10; TN Comp. R. & Regs. 1240-1-50-.11; TN Comp. R. & Regs. 1240-1-50-.12; TN Comp. R. & Regs. 1240-1-48-.01; TN Comp. R. & Regs. 1240-1-48.08
TEXAS	YES - But up to \$50 per household is disregarded.	NO	Not Applicable	Not Applicable	TX Family Code s. 231.104; TX Admin. Code tit. 40, s. 3.902; TX Admin. Code tit. 1, s. 55.3
TEXAS (TANF-SP)	YES - But up to \$50 per household is disregarded.	YES- All of each month's collected support.	YES - But up to \$50 per household is disregarded.	YES - But up to \$50 per household is disregarded.	TX Admin. Code tit. 40, s. 3.7603; TX Family Code s. 231.104; TX Admin. Code tit. 40, s. 3.902; TX Admin. Code tit. 1, s. 55.3
UTAH	NO	NO	Not Applicable	Not Applicable	UT Code Ann. 1953 s. 35A-3-108; UT Admin. R. 986-600-616
VERMONT	YES - But no less than \$50 per month of child support payments is disregarded.	YES- Family Bonus Payment: up to first \$50 a month of child support collected. TANF family may only receive one family bonus payment per month regardless of whether multiple non-custodial parents pay child support. Parent Share Payment: amount in excess	<i>Family Bonus Payment: NO; Parent Share Program: NO</i>	<i>Family Bonus Payment: NO; Parent Share Program: YES- reduce TANF payment two months later by an equal amount</i>	33 VT Stat. Ann. s. 1103; 33 VT Stat. Ann. s. 1105; 33 VT Stat. Ann. s. 3902; 33 VT Stat. Ann. s. 3903; 33 VT Stat. Ann. s. 3904; 33 VT Stat. Ann. s. 4106; VT Admin. Code 13 170 003.2240; VT Admin. Code 13 170 003.2333

VIRGINIA	YES - But the first \$50 of child support collected each month is disregarded.	NO	Not Applicable	Not Applicable	VA Stat. s. 63.2-1908; VA Stat. s. 63.2-602; 22 VA Admin. Code 40-880-580; 22 VAC 40-295-50
WASHINGTON	YES	NO	Not Applicable	Not Applicable	Rev. Code WA s. 26.23.035; Rev. Code WA s. 74.20.330; WA Admin. Code 388-14A-2035; WA Admin. Code 388-14A-2036; WA Admin. Code 388-14A-5000; WA Admin. Code 388-14A-5003; WA Admin. Code 388-422-0005; WA Admin. Code 388-450-0025; WA Admin. Code 388-450-001
					5; WA Admin. Code 388-450-0005
WEST VIRGINIA	YES	NO- Except, each month, cash assistance for those on whose behalf current support is collected is increased by \$25.	Not Applicable	Not Applicable	WV Stat. s. 9-3-4; WV Stat. s. 9-9-6; State of West Virginia State Plan for Temporary Assistance for Needy Families: WV Works Primary Eligibility Requirements - Income
WISCONSIN	NO	ALL	NO	NO	WI Stat. s. 49.1455; WI Stat. s. 49.19; WI Stat. s. 767.29; WI Stat. s. 49.145; WI Works Manual 16.1.0; WI Works Manual 3.2.7.3
WYOMING	YES	NO	Not Applicable	Not Applicable	WY Stat. s. 20-6-106; WY Admin. Code WCWR 049-187-001