

116TH CONGRESS
2D SESSION

S. 3236

To amend part D of title IV of the Social Security Act to ensure that child support for unborn children is collected and distributed under the child support enforcement program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2020

Mr. CRAMER (for himself, Mr. DAINES, Mrs. HYDE-SMITH, Mr. COTTON, Mr. INHOFE, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part D of title IV of the Social Security Act to ensure that child support for unborn children is collected and distributed under the child support enforcement program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unborn Child Support
5 Act”.

1 **SEC. 2. CHILD SUPPORT ENFORCEMENT ON BEHALF OF**
 2 **UNBORN CHILDREN.**

3 (a) STATE PLAN AMENDMENT.—Section 454 of the
 4 Social Security Act (42 U.S.C. 654) is amended—

5 (1) in paragraph (4)(A)—

6 (A) in clause (i)—

7 (i) by inserting “, including an unborn
 8 child,” after “child”; and

9 (ii) by inserting “and” after the semi-
 10 colon; and

11 (B) in clause (ii), by inserting “, including
 12 an unborn child” after “other child”;

13 (2) in paragraph (33), by striking “and” after
 14 the semicolon;

15 (3) in paragraph (34), by striking the period
 16 and inserting “; and”;

17 (4) by inserting after paragraph (34), the fol-
 18 lowing:

19 “(35) provide that the State will establish and
 20 enforce child support obligations of the biological fa-
 21 ther of an unborn child (and subsequent to the birth
 22 of the child) to the mother of such child provided
 23 that—

24 “(A) the mother has requested payment of
 25 such child support obligations;

1 “(B) the start date for such obligations
 2 may begin with the first month in which the
 3 child was conceived, as determined by a physi-
 4 cian (and shall begin with that month if the
 5 mother so requests);

6 “(C) payments for such obligations may be
 7 retroactively collected or awarded, including in
 8 the case where paternity is established subse-
 9 quent to the birth of the child;

10 “(D) the payment amount for such obliga-
 11 tions shall be determined by a court, in con-
 12 sultation with the mother, taking into account
 13 the best interests of the mother and child;

14 “(E) any measure to establish the pater-
 15 nity of a child (born or unborn) shall not be re-
 16 quired without the consent of the mother; and

17 “(F) any measure to establish the pater-
 18 nity of an unborn child shall not be taken if the
 19 measure poses any risk of harm to the child if
 20 unborn.”; and

21 (5) by adding at the end the following: “For
 22 purposes of paragraphs (4) and (35), the term ‘un-
 23 born child’ means a member of the species homo
 24 sapiens, at any stage of development, who is carried
 25 in the womb.”.

1 (b) LIMITATION OF WAIVER AUTHORITY.—Section
 2 1115 of the Social Security Act (42 U.S.C. 1315) is
 3 amended—

4 (1) in subsection (a), in the matter preceding
 5 paragraph (1), by striking “In the case of” and in-
 6 serting “Except as provided in subsection (c), in the
 7 case of”;

8 (2) in subsection (b)(1), in the matter pre-
 9 ceding subparagraph (A), by striking “In the case
 10 of” and inserting “Except as provided in subsection
 11 (c), in the case of”; and

12 (3) by striking subsection (c) and inserting the
 13 following:

14 “(c) No experimental, pilot, or demonstration project
 15 undertaken under subsection (a) to assist in promoting the
 16 objectives of part D of title IV, may permit modifications
 17 of paragraphs (4)(A)(ii) and (35) of section 454 to estab-
 18 lish and enforce child support obligations of the biological
 19 father of an unborn child. For purposes of the preceding
 20 sentence, the term ‘unborn child’ means a member of the
 21 species homo sapiens, at any stage of development, who
 22 is carried in the womb.”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall take effect on the date that is 2 years
 25 after the date of enactment of this Act and shall apply

1 to payments under part D of title IV of the Social Security
2 Act (42 U.S.C. 651 et seq,) for calendar quarters begin-
3 ning on or after such date.

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