



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Child Support Enforcement | 330 C Street, S.W., 5th Floor
Washington, DC 20201 | www.acf.hhs.gov/css

DCL-20-04

DATE: May 28, 2020

TO: State and Tribal IV-D Agencies

SUBJECT: Flexibilities for State and Tribal Child Support Agencies

ATTACHMENT: Modifications of Timeframes in Title IV-D of the Social Security Act and 45 CFR 301-310

Dear Colleague:

We are facing a national public health and economic emergency of unprecedented proportions. The Office of Child Support Enforcement (OCSE) recognizes that, in many areas, child support services have been severely disrupted. Parents may temporarily be unable to physically come to offices for intake or genetic testing. Agency staff may be working from home and courts in many jurisdictions have suspended certain civil proceedings. OCSE is committed to providing states and tribes the flexibility that allows them to help ensure the safety of their staff and the public, while continuing to provide services to families within the child support program.

Due to the exceptional impact of the COVID-19 pandemic, the President has declared a nationwide emergency under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5191 (the “Stafford Act”), and has approved requests for major disaster declarations for all states, the District of Columbia, territories and many tribes (see FEMA [list](#)). Section 301 of the Stafford Act, 42 U.S.C. § 5141, provides that “Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State [or Indian tribal government] or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.”¹

Despite significant challenges, state and tribal child support agencies have continued to provide critical child support services to families during the pandemic. However, due to limited operational capacity as a result of the national emergency and social distancing requirements, OCSE has received numerous requests from state and tribal child support agencies for flexibilities in meeting certain administrative requirements.

In accordance with the Stafford Act, OCSE has made a determination that it is appropriate to modify, but not waive, specific timeframes for certain child support services. The attached examples show potential timeframe modifications providing flexibility for program operations that states or tribes may want to request due to the impact of the pandemic. See the attachment:

¹Regulations issued by the Federal Emergency Management Agency (FEMA) under the Stafford Act at 44 CFR 206.2(a)(16), define the term “local government” to include Indian tribe, authorized tribal organization, or Alaska Native village or organization.

Modifications of Timeframes in Title IV-D of the Social Security Act and 45 CFR 301-310. OCSE recognizes that specific states and tribes may need flexibilities in addition to the modified timeframes listed in the attachment.

Any extended timeframes are (1) temporary and (2) an outer limit providing flexibility to programs during the pandemic, which may or may not be necessary in all cases. States and tribes are in the best position to determine what is needed in specific cases. OCSE strongly encourages IV-D agencies to utilize this temporary flexibility judiciously and only where needed based on health, safety, and/or operational needs.

A state or tribal child support agency may request flexibility to program timeframes in the attachment as well as to other program timeframes by making a request to OCSE via email to their respective Regional Program Manager. The request from the state or tribal child support director must identify the specific timeframe(s) needing modification or waiver (including the statutory or regulatory citations), a short description/rationale justifying the need for the modification or waiver of the timeframe based on the impact of the COVID-19 pandemic on program operations, and the desired revised timeframe. OCSE will expedite the review process for these requests and the Regional Program Manager will respond to the state or tribal child support director via email with a decision.

Effective Period for the Granting of Stafford Act Modifications of Timeframes in Title IV-D of the Social Security Act: These Stafford Act timeframe modifications are effective from January 20, 2020, or from the beginning of the major disaster incident period in the state or tribe, if different. The period will end in each state and tribe no later than when the major disaster declaration ends.

OCSE is closely monitoring the pandemic's effect on state and tribal child support operations and, if appropriate, may make modifications to approved timeframes, revoke the modifications, or revise the effective period for Stafford Act modifications, as circumstances change. If OCSE does revoke the flexibilities, states and tribes must adhere to the applicable requirements under Title IV-D of the Social Security Act and 45 CFR 301-310.

OCSE is aware that state and tribal child support agencies may need flexibility regarding program requirements other than timeframes, including for the OCSE audit process, due to the impact of the pandemic on program operations. Child support agencies may submit such requests through their Regional Program Manager, according to the process described above. Child support agencies should also review the OCSE COVID-19 FAQs and ACF guidance on grant flexibilities in conducting human services activities related to or affected by COVID-19 (IM-ACF-OA-2020-01).

During this unprecedented national emergency, OCSE is grateful for the extraordinary efforts by child support staff nationwide to serve families and children in need.

INQUIRIES: ACF/OCSE Regional Program Managers

Scott M. Lekan
Acting Commissioner
Office of Child Support Enforcement

	collections to the family for the month after the month the family becomes ineligible for title IV-A, the SDU must send collections to the family within 2 business days of the date of receipt by the SDU.			
STATE PLAN	The State must review, and revise, if appropriate, the child support guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support order amounts. The State shall publish on the internet and make accessible to the public all reports of the guidelines reviewing body, the membership of the reviewing body, the effective date of the guidelines, and the date of the next quadrennial review.	467(a), 469 302.56(e)	Every 4 years	If a state is in the process of conducting a review or is initiating a review in 2020, the state has one additional year to complete the review.
PATERNITY AND SUPPORT ORDER	Within 90 calendar days of locating the alleged father or noncustodial parent, regardless of whether paternity has been established, establish an order for support or complete service of process necessary to commence proceedings to establish a support order and, if necessary, paternity (or document unsuccessful attempts to serve process, in accordance with the State's guidelines defining diligent efforts under §303.3(c)).	303.4(d)	90 Calendar Days	180 Calendar Days
ENFORCEMENT	Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the	303.6(c)(2)	30 Calendar Days	60 Calendar Days

	order or the location of the noncustodial parent, whichever occurs later.			
ENFORCEMENT	If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under §303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later;	303.6(c)(2)	60 Calendar Days	120 Calendar Days
INTERSTATE	<p>Within 20 calendar days of completing the actions required in paragraphs (1) through (3) and, if appropriate, receipt of any necessary information needed to process the case:</p> <p>(i) Ask the appropriate intrastate tribunal, or refer the case to the appropriate responding State IV-D agency, for a determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and</p> <p>(ii) Refer any intergovernmental IV-D case to the appropriate State Central Registry, Tribal IV-D program, or Central Authority of a country for action, if one-state remedies are not appropriate;</p>	303.7(c)(4)(i),(ii)	20 Calendar Days	40 Calendar Days
INTERSTATE	Within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry:	303.7(d)(2)(i), (ii), and (iii)	75 Calendar Days	150 Calendar Days

	<p>(i) Provide location services in accordance with §303.3 of this part if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent;</p> <p>(ii) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation;</p> <p>(iii) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;</p>			
INTERSTATE	<p>Within 10 working days of locating the noncustodial parent in a different State, the responding agency must return the forms and documentation, including the new location, to the initiating agency, or, if directed by the initiating agency, forward/transmit the forms and documentation to the central registry in the State where the noncustodial parent has been located and notify the responding State's own central registry where the case has been sent.</p>	303.7(d)(3)	10 Working Days	20 Working Days
INTERSTATE	<p>Within 10 working days of locating the noncustodial parent in a different political subdivision within the State, forward/transmit the forms and documentation to the appropriate political subdivision and notify the</p>	303.7(d)(4)	10 Working Days	20 Working Days

	initiating agency and the responding State's own central registry of its action;			
INTERSTATE	When the request is for a determination of controlling order: (i) File the controlling order determination request with the appropriate tribunal in its State within 30 calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later;	303.7(d)(5)(i)	30 Calendar Days	60 Calendar Days
INTERSTATE	Notify the initiating State agency, the Controlling Order State and any State where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within 30 calendar days of receipt of the determination from the tribunal;	303.7(d)(5)(ii)	30 Calendar Days	60 Calendar Days
INTERSTATE	Within 10 working days of receipt of instructions for case closure from an initiating State agency under paragraph (c)(12) of this section, stop the responding State's income withholding order or notice and close the intergovernmental IV-D case, unless the two States reach an alternative agreement on how to proceed;	303.7(d)(9)	10 Work Days	20 Work Days
REVIEW AND ADJUSTMENT	The State must provide notice if the State has not elected paragraph (b)(2) of this section, within 15 business days of when the IV-D agency learns that a noncustodial parent will be incarcerated for more than 180 calendar days, to both parents informing them of the right to request the State to review and, if appropriate, adjust the order, consistent with this section. The notice must specify, at a minimum, the place and manner in which the request should be made. Neither the notice nor a review is	303.8(b)(7)(ii)	15 Business Days	30 Business Days

	required under this paragraph if the State has a comparable law or rule that modifies a child support obligation upon incarceration by operation of State law.			
INCOME WITHHOLDING	303.100 (e)(2), 303.100 (e) (3) (2) In the case of an immediate withholding under paragraph (b) of this section, the State must issue the notice to the employer specified in paragraph (e)(1) of this section within 2 business days of the date the State's computerized support enforcement system receives notice of income and income source from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State, or the date information regarding a newly hired employee is entered into the State Directory of New Hires, or if information is not received by the State's computerized support enforcement system or its State Directory of New Hires, within 15 calendar days of the date the support order is received if the employer's address is known on that date, or, if the address is unknown on that date, within 2 business days of the date the State's computerized support enforcement system receives notice of income and income source from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State, or the date information regarding a newly hired employee is entered into the State Directory of New Hires, or if information is not received by the State's computerized support enforcement system or its State Directory of	303.100 (e)(2), 303.100 (e) (3), 454A(g)(1)(A)(i), 466, 453A (g) (1)	2 Business Days	5 Business Days for fully electronic processes and 10 Business days if manual processes are required.

	<p>New Hires, within 15 calendar days of locating the employer's address.</p> <p>(3) In the case of initiated withholding, the State must send the notice to the employer required under paragraph (e)(1) of this section within 2 business days of the date the State's computerized support enforcement system receives notice of income and income source from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State, or the date information regarding a newly hired employee is entered into the State Directory of New Hires, or if information is not received by the State's computerized support enforcement system or its State Directory of New Hires, within 15 calendar days of the date specified in paragraph (c)(1) of this section if the employer's address is known on that date, or, within 2 business days of the date the State's computerized support enforcement system receives notice of income and income source from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State, or the date information regarding a newly hired employee is entered into the State Directory of New Hires, or if information is not received by the State's computerized support enforcement system or its State Directory of New Hires, within 15 calendar days of locating the employer's address.</p>			
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453A(g)(1)

(g) Transmission of Information.—

(1) Transmission of wage withholding notices to employers.—Within 2 business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires, the State agency enforcing the employee’s child support obligation shall transmit a notice to the employer of the employee directing the employer to withhold from the income of the employee an amount equal to the monthly (or other periodic) child support obligation (including any past due support obligation) of the employee, unless the employee’s income is not subject to withholding pursuant to section 466(b)(3).

454A(g)(1)(A)(i)

(g) Collection and Distribution of Support Payments.—

(1) In general.—The State shall use the automated system required by this section, to assist and facilitate the collection and disbursement of support payments through the State disbursement unit operated under section 454B, through the performance of functions, including, at a minimum—

(A) transmission of orders and notices to employers (and other debtors) for the withholding of income—

	(i) within 2 business days after receipt of notice of, and the income source subject to, such withholding from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State;			
SYSTEMS	<p>(c) Collection and Disbursement of Support Payments. To the maximum extent feasible, assist and facilitate the collection and disbursement of support payments through the State disbursement unit operated under section 454B of the Act through the performance of functions which, at a minimum, include the following:</p> <p>(1) Transmission of orders and notices to employers and other debtors for the withholding of income:</p> <p>(i) Within 2 business days after receipt of notice of income, and the income source subject to withholding from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State;</p>	307.11 (c) (1) (i)	2 Business Days	5 Business Days for fully electronic processes and 10 Business days if manual processes are required.
TRIBAL PLAN	Procedures under which notices of support collected, itemized by month of collection, are provided to families receiving services under the Tribal IV-D program at least once a year. In addition, a notice must be provided at any time to either the custodial or noncustodial parent upon request.	309.75(c)		Yearly notices of support collected due may be sent to families no later than December 31, 2020.

TRIBAL PLAN	Indicate that child support guidelines will be reviewed and revised, if appropriate, at least once every four years;	309.105(a)(4)	Every 4 years	If a tribe is in the process of conducting a review or is initiating a review in 2020, the tribe has one additional year to complete the review
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