

THE SUPPORTING STATEMENT

Specific Instructions

Please do not remove or alter the headings below

A. Justification

1. Circumstances Making the Collection of Information Necessary

The requirement for submission of a State plan and plan amendments for the Child Support Enforcement program is found in legislation at sections 452, 454 and 466 of the Social Security Act. These sections are implemented by regulations at 45 CFR 301, 302, 303, 305, 307 and 308 (see especially 45 CFR 301.10-301.13 in Attachment I). States and Territories are provided with instructions for completing the State plan and plan amendments in OCSE-AT-00-10 (Attachment II).

OCSE has approved a IV-D State plan for each State and Territory. Attachment III includes the current State plan table of contents and a transmittal form, which States and Territories send in with each State plan amendment. Federal regulations require States and Territories to amend their State plans only when necessary to reflect new or revised Federal statutes or regulations or material change in any state law, organization, policy or IV-D agency operations. OMB approved the IV-D State plan Form OCSE-100. All states have had IV-D plans in place for years. Plans that are submitted now are normally specific preprint pages that are required by changes in state laws or processes, or required by federal law, regulations, or policies. As a result of the Child Support Enforcement Amendments of 1984 (P.L. 98-378), the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203), the Family Support Act of 1988 (P.L. 100-485), the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), the Social Security Act Amendments of 1994, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, PRWORA), the Technical Amendments to PRWORA (P.L. 105-33), Child Support Performance and Incentive act of 1998 (CSPIA) (P.L. 105-200), and related regulations, OCSE also received OMB approval for new and revised state plan pages. OCSE has also modified form OCSE-100 to reflect the mandatory fee required by the Deficit Reduction Act of 2005.

We request approval of an extension of a currently approved collection.

According to 45 CFR 301.13, "After approval of the original plan by the Office, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that the Office may determine whether the plan continues to meet Federal requirements and policies." States and Territories submit, on average, eight state plan preprint pages and eight transmittals annually to notify OCSE of relevant changes required by new state statutes, rules, interpretations and court decisions.

2. Purpose and Use of the Information Collection

The information collected on the State plan pages is necessary to enable OCSE to determine whether each State and Territory has a IV-D State plan that meets the requirements in title IV-D of the Social Security Act and implementing regulations. The State plan preprint gives each state a convenient method for developing a statement to be submitted to OCSE for approval describing the nature and scope of its program and giving assurances that the program will be administered in conformity with the requirements in Title IV-D of the Act and the implementing regulations at 45 CFR Chapter III. The State plan is analogous to a State having a contract with OCSE in that it outlines the activities the State will perform as required by law in consideration for receiving Federal funds to meet the costs of these activities. In this sense, the State plan is the basis for making Federal funding available to the States in the costs of operating the Child Support Enforcement program.

3. Use of Improved Information Technology and Burden Reduction

Overall, the collection of information does not involve the use of automated, electronic, mechanical or other technical collection techniques or other forms of information technology at this time; however, states are able to submit a list of links to state laws instead of submitting a hard copy of the actual document. In addition, the Microsoft Word version of the documents is available upon request, and OCSE is in the process of developing a PDF version of the state plan preprint pages and posting them to the program's website. OCSE is in the process of drafting an efficiency regulation that will allow the acceptance of electronic signatures. We are hopeful that we will be able to move towards a fully electronic state plan submission process.

4. Efforts to Identify Duplication and Use of Similar Information

The collection of information requirements contained in this form does not duplicate any other reporting or recordkeeping requirements.

5. Impact on Small Businesses or Other Small Entities

The collection of information requirements does not involve small businesses or entities.

6. Consequences of Collecting the Information Less Frequently

States and Territories will, for the most part, submit State plan preprint pages to OCSE on a one-time only basis to reflect new Federal requirements. In addition, States and Territories will periodically amend their State plans to reflect any material change in state laws, organization, policy, or IV-D agency operation.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The collection of information does not involve any special circumstances.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

The comments received in response to the Federal Register Notice centered around making the submission, updating, and approval of state plan preprint pages and attachments electronic; including making the preprint pages accessible online. One commenter felt that the burden hours are overestimated for completing and submitting state plan amendments, and two commenters felt the burden hours were underestimated if they take into consideration the time spent presenting issues to state leadership and working with the governor's office.

- **Comment:** Montana CSED would like to submit the State Plan electronically.
Response: OCSE is in the process of drafting an efficiency regulation that will allow the acceptance of electronic signatures. We are hopeful that we will be able to move towards a fully electronic state plan submission process.
- **Comment:** It is my estimation that California has in the last three years spent in excess of 81 hours per year in preparation of state plan updates. Using a current assignment as an example, update to pages 2.6 and 2.15 per AT 10-08, ***Resubmission of State Plan Pages to Indicate Compliance with Intergovernmental Child Support Final Rule***, staff have already used in excess of 9 hours in research, discussion and distribution of the assignment for response to the various child support program areas. There are currently four program areas working on this assignment as AT 10-08 calls for updates regarding intergovernmental case policy and processing, data collection and reporting and self-assessment. In addition, there is time required for the packaging and distribution of the assignment among the program areas and preparation and packaging/copying of the completed assignment for mailing to our regional office. There will be additional hours spent on this assignment before the update is completed and mailed to our Region 9 office for approval. Perhaps due to the 2005 Deficit Reduction Act and its new child support program requirements, in the last three years we have received a substantial number of AT assignments related to the DRA. Based on the last three years AT assignments and more routine annual and quarterly submittals, 81 hours is not a realistic estimate for Total Annual Burden of California's time spent in updating the State Plan. A more accurate estimate would be between 90 and 100 hours annually.
Response: The estimate is the amount of time needed to complete and submit the preprint page or transmittal. We have taken into consideration the fact that some states may have to resubmit preprint pages based on state-specific changes, which may not impact other states. As a result, this estimate of burden hours is the average amount of pages we feel states may submit.
- **Comment:** Regarding the electronic submittal of state plan updates, California and Region 9 OCSE/ACF offices have already begun discussion and development of a

method for submitting updates to section 3.3 and attachment 3.3A, *State Statutes*, in an electronic format. It is my understanding that other states are already submitting this particular update in electronic form, i.e., other states are sending all changes and new statute and regulation and policy in electronic format instead of paper copies. This saves resources in the form of man hours and postage and has proven to be less cumbersome in regard to storage of reference materials. As state plan coordinator for the department, I am of the opinion that most state plan updates can and should be submitted in solely electronic format, saving time and funds for the Department and OCSE/ACF.

Response: OCSE encourages states to submit links to the state statutes required in attachment 3.3A. As you have indicated, many states have already adopted this practice. Please be mindful that the state will have to ensure that the links that are submitted are accurate and in fact link you to the required state statute.

- **Comment:** Regarding updates to section 3.1, *Cooperative Agreements*, as state plan coordinator, it has become clear to me over the last three years that section 3.1 of the state plan should be updated once per federal fiscal year. Once per year California makes significant changes to its entire list of cooperative agreements at the county level and at the state level. The changes that occur during the federal fiscal quarters in between are small and are usually in the form of one or two counties changing the begin and end dates of a specific cooperative agreement or perhaps deleting or adding a vendor to their list. Small changes such as these do not affect the proper performance and the function of the child support agency and can be provided to our regional office with an annual submittal of updates to this particular section. The end of the third federal fiscal quarter corresponds with the end of the California's state fiscal year; therefore, June 30th is the date California usually submits its larger annual update to section 3.1. As many cooperative agreements expire on this date, it is also a possibility that this larger annual submittal can take place during the fourth federal fiscal quarter (July 1 – Sept. 30).

Response: The process that you have outlined is sufficient.

- **Comment:** We agree with the need for ensuring a state's program meets federal requirements. We are uncertain about whether each requirement must be captured on a separate page. Perhaps one document with all requirements and citations simply listed separately (table format?), with a place for sign-off would suffice. This would also eliminate the problem that the state plan pages cannot be found in one place in any resource. Different pages are contained in AT's spread throughout the OCSE database.

Response: Thank you for the recommendation; however, there are no plans to change the format of the current preprint pages to a list at this time.

- **Comment:** If the estimate is the amount of time to simply complete the page or transmittal, it is overestimated; if it includes time spent presenting the issues to state leadership and working with the Governor's office, it is underestimated by about half.

Response: The estimate is the amount of time needed to complete and submit the preprint page or transmittal. We have taken into consideration the fact that some states

may have to resubmit preprint pages based on state- specific changes, which may not impact other states. As a result, this estimate of burden hours is the average amount of pages we feel states may submit.

- **Comment:** Having easy access to the federal citation for certain requirements is helpful.
Response: Thanks for your comment.
- **Comment:** Maintaining the approximately 400 printed pages of state plan pages and attachments is onerous and not environmentally-minded. The plan should be maintained electronically, with computer links in attachments to state laws, regulations and other requirements. Plan updates could be performed electronically as well, including e-certifications for compliance.
Response: OCSE is in the process of drafting an efficiency regulation that will allow the acceptance of electronic signatures. We are hopeful that we will be able to move towards a fully electronic state plan submission process.
- **Comment:** I am writing on behalf of the Massachusetts Department of Revenue's Child Support Enforcement Division to comment on the Title IV-D State Plan, as directed in OCSE-DCL-10-22. We encourage OCSE to explore ways to modernize the State Plan submission and approval process by allowing electronic submission and approval. Maintaining and updating the State Plan remains a manual and paper intensive process for both OCSE and state child support enforcement agencies. For each State Plan update or amendment, states must submit a paper copy of the relevant preprinted State Plan page, accompanied by the transmittal and notice of approval form (OCSE-21-U4) with an original authorized signature. OCSE regional staff then type or stamp an approval date on the form and plan page, sign it, and return a copy to the state IV-D agency. The state maintains a hard copy of the State Plan and manually updates it by inserting new plan pages and removing outdated ones. We believe OCSE regional staff do the same. In Massachusetts, we now maintain a PDF copy of our State Plan, but this file also needs to be updated by replacing pages every time the plan is amended or updated. OCSE could update the State Plan process by establishing an online process for states to submit State Plan changes and for OCSE to approve them. The preprinted plan pages lend themselves to such a process since they are the same for every state, with some variation when a page provides for state options. State Plans, or at least the preprinted pages, could then also be available to the public online. An alternate, interim step would be for OCSE to accept plan pages as a PDF attachment to an email.
Response: OCSE is in the process of drafting an efficiency regulation that will allow the acceptance of electronic signatures. We are hopeful that we will be able to move towards a fully electronic state plan submission process.
- **Comment:** Please send me a copy of the proposed information collection about which there was a notice published in the *Federal Register* on Tuesday, April 12, 2011 on page 20356. Title: State Plan for Child Support under Title IV-D of the Social Security Act. OMB No. 0970-0017.
Response: A copy of the Table of Contents was provided.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift is provided to respondents, other than remuneration of contractors or grantees.

10. Assurance of Confidentiality Provided to Respondents

We do not assure confidentiality of the information collected.

11. Justification for Sensitive Questions

The required information collection does not involve asking questions of a sensitive nature.

12. (a) Estimates of Annualized Burden Hours and Costs

The estimate of burden to respondents is based on the following assumptions:

- The 54 respondents include all State and Territories participating in the Child Support Enforcement program: the 50 States, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands.
- Over the past three years, states were required to submit a total of ten state plan preprint pages, an average of approximately three per year. In addition, states may submit other preprint pages as a result of changes in state regulations, policies, and/or procedures. Recent regulations that required states to submit state plan amendments include the Medical Support Final Rule, and the Intergovernmental Child Support Final Rule. As a result, we are maintaining the estimate that states will submit 8 state plan preprint pages annually. All states have had complete state plans in place for many years; however, changes in state or federal laws, regulations, and/or policies may require states to resubmit certain preprint pages.
- A state plan transmittal (OCSE-21-U4) will be submitted with each state plan preprint page.

Instrument	Number of Respondents	Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours
State Plan (OCSE-100)	54	8	.5 hours	216 hours
State Plan Transmittal (OCSE-21-U4)	54	8	.25 hours	108 hours

Total			.75	324 hours
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12. (b) Respondents' Cost for Hour Burden

The estimate of costs to respondents is \$18 per hour times 324 responses = \$5,832.

13 Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no additional direct costs to respondents.

14 Annualized Cost to the Federal Government

The annualized costs to the Federal Government for the hour burdens are based on an average wage rate of \$23 per hour for Federal level employees who review submitted State plan pages from respondents. Estimates regarding the hours spent processing each State plan submission (0.5 hours for State Plan and 0.25 hours for State Plan Transmittal) were determined by past employees' experiences in reviewing State plan pages in OCSE.

Instrument	OCSE's Administrative Costs	Respondent Reimbursement Cost (66% of Total Annualized Cost)	Administrative Cost Plus Respondent Reimbursement Cost
State Plan (OCSE-100)	\$4,968.00	\$2,566.08	\$7,534.08
State Plan Transmittal (OCSE-21-U4)	\$2,484.00	\$1,283.04	\$3,767.04
Total	\$7,452.00	\$3,849.12	\$11,301.12

15 Explanation for Program Changes or Adjustments

No change

16 Plans for Tabulation and Publication and Project Time Schedule

Not applicable

17 Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable

18 Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.

B. Statistical Methods (used for collection of information employing statistical methods)

The information collection requirements outlined in this report do not employ the use of statistical methods.