

THE SUPPORTING STATEMENT-0970-0152
Administrative Subpoena

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

Section 452(a)(11) of the Social Security Act (Act) requires the Secretary of the Department of Health and Human Services to promulgate a form for administrative subpoenas to be used in State child support enforcement programs to collect information for use in establishment, modification, and enforcement of child support orders in interstate cases.

2. Purpose and Use of the Information Collection

The administrative subpoena is used by State CSE programs to obtain income and other financial information regarding noncustodial parents for purposes of establishing, enforcing and modifying child support orders. The Act now authorizes each State to send these administrative subpoenas to employers and financial institutions across State lines.

3. Use of Improved Information Technology and Burden Reduction

This collection of information is used by the States in conjunction with interstate CSE proceedings initiated under the Uniform Interstate Family Support Act (UIFSA). UIFSA is a uniform act that has been adopted by all States and governs interstate CSE proceedings. UIFSA allows documentary evidence to be transmitted from State to State by means of electronic transmission. States may use this special rule of evidence to allow respondents to the administrative subpoena to report the wage and other financial information via facsimile transmission. State laws, however, govern most procedures for filing subpoenas. Due to this fact, OCSE is not able to influence the format of the transfer of information.

4. Efforts to Identify Duplication and Use of Similar Information

In the original development of the administrative subpoena form considerable attention was focused on preventing duplication. At this time, we are not making any changes to the form that will affect the effort that was previously made to avoid duplication. The administrative subpoena is to be used in situations where similar information is not already available.

5. Impact on Small Businesses or Other Small Entities

This collection of information will have no additional impact upon small businesses or other small entities because they are already in a position to have to respond to subpoenas.

6. Consequences of Collecting the Information Less Frequently

If OCSE fails to win re-authorization of this information collection, it will be failing to comply with the requirements of the Act and States will not be able to use the form to try to collect debts owed to children living in States other than the State where the noncustodial parent lives.

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

There are no special circumstances associated with collection of this information.

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

The information collection notice was published for comment in the Federal Register on May 3, 2013, Vol 78, (78 FR 26052 - 26053). OCSE received comments from three States: North Dakota, Iowa, and Texas. Based on the comments, we have made several revisions to the instructions for clarity. The changes are not significant and largely serve to make the instructions clearer.

9. Explanation of Any Payment or Gift to Respondents

Not Applicable.

10. Assurances of Confidentiality Provided to Respondents

The State Child Support Enforcement agencies follow their State laws and procedures regarding collection of sensitive information.

11. Justification for Sensitive Questions

This information collection does not involve any questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

| Instrument | Number of Respondents | Number of Responses Per Respondents Per Year | Average Burden Hours Per Response | Total Burden Hours |
|-------------------------|------------------------------|---|--|---------------------------|
| Administrative Subpoena | 53,488 | 1 | .5 hours | 26,744 |

The figures contained in this table are based on OCSE's Federal Parent Locator Service completing 17,116,052 locates of noncustodial parents, employers, assets or other income in one year. Noncustodial parent locates would make up at least 75% of the total locates. The remaining 4,279,013 would be the approximate number of locates of employers, assets or other income. Twenty-five percent of this number (1,069,753) provides the approximate number of such locates in interstate cases. In 95% of these interstate locate cases, employers or financial institutions would voluntarily provide the requested information and the State CSE program would not need to issue a subpoena. The remaining 53,488 (5%) represent the approximate number of respondents who would not voluntarily provide the requested information and would receive a subpoena. Therefore the burden estimate is 26,744 (63,488 x .5 hr).

13. Estimate of Other Total Annual cost Burden to Respondents and Record Keepers

There is no new annual cost burden to respondents resulting from this collection of information. Respondents already have staff and resources in place to respond to this information collection.

14. Annualized Cost to the Federal Government

Upon reauthorization of the Administrative Subpoena form, OCSE will post the new version the internet website for States to download. There are no costs to the Federal Government.

15. Explanation of Program Changes or Adjustments

The adjustment in burden from the last review of the form is due to an increase in the number of interstate child support cases. This increase resulted in an increase in the number of forms a state may use. The time required to fill out the form itself remains unchanged at 30 minutes.

This change is due to an adjustment in the child support case load rather than due to a change in the information collection itself.

We made the following clarifying changes to the form instructions in response to comments received:

1. Instruction 2 was modified to add: "If you are issuing an administrative subpoena to obtain bulk records for data matching purposes, you may use the "REGARDING" fields as a subject line."
2. Instruction 2 was also modified to remove: "If you are issuing an administrative subpoena to obtain bulk records for data matching purposes, you may issue one form accompanied by a list of the individuals about whom you are requesting information."

3. Instruction 3 was modified to add: “If you are issuing an administrative subpoena to obtain bulk records for data matching purposes or a formal case has not been filed then this field is optional.”
4. Instruction 5 was modified to add: “If you are issuing an administrative subpoena to obtain bulk records for data matching purposes this field is optional.”
5. Instruction 7 was modified to add: “If you are issuing an administrative subpoena to obtain bulk records for data matching purposes, you may issue one form accompanied by a list of the individuals about whom you are requesting information.”

16. Plans for Tabulation and Publication and Project Time Schedule

There are no plans to publish results of this information.

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

Not applicable.

18. Exception to Certification for Paperwork Reduction Act Submission

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

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