

THE SUPPORTING STATEMENT

A. Justification

1. Circumstances Making the Collection of Information Necessary

Section 452(a)(11) of the Social Security Act requires the Secretary of the Department of Health and Human Services to promulgate forms for administrative subpoenas and imposition of liens used by State child support enforcement (Title IV-D) agencies in interstate cases. Section 454(9)(E) of the Social Security Act requires each State to cooperate with any other State in using the federal forms for issuance of administrative subpoenas and imposition of liens in interstate child support cases.

2. Purpose and Use of the Information Collection

The Administrative Subpoena is used by State IV-D agencies to obtain income and other financial information regarding noncustodial parents for purposes of establishing, enforcing, and modifying child support orders. The Social Security Act authorizes each State to send these Administrative Subpoenas to employers and financial institutions across State lines.

Section 466 of the Social Security Act requires State IV-D agencies to have procedures to impose liens in cases with overdue support. A state IV-D agency uses the Notice of Lien form to file liens across State lines, when it is more efficient than involving the other State's IV-D agency. This form can also be used by custodial parents and their private attorneys in non-IV-D cases.

3. Use of Improved Information Technology and Burden Reduction

Federal regulations for interstate case processing encourage the use of electronic communication, and State law under the Uniform Interstate Family Support Act (UIFSA) allows the electronic transmission of information as well. However, State law governs intrastate procedures for filing subpoenas and liens and may place restrictions on electronic procedures in particular States.

4. Efforts to Identify Duplication and Use of Similar Information

In the original development of the Administrative Subpoena and Notice of Lien, considerable attention was focused on preventing duplication. At this time, we are not making any changes to the forms 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 required to respond to requests for subpoenas and liens in child support cases.

6. Consequences of Collecting the Information Less Frequently

This collection of information is required by the Social Security Act in order to collect child support debt across State lines.

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

We published the required 60-day notice in the Federal Register on May 18, 2016, Volume 81, Number 96 on page 31242, soliciting comments on the information collection. In addition, we sent out a notice about the opportunity to comment to the child support enforcement community via a Dear Colleague Letter (DCL-16-08).

Based on the comments we received in response to the 60-day notice, we have determined we need to address several issues, particularly the protection of Personal Identifiable Information (PII), and may need to revise the Interstate Administrative Subpoena and Notice of Lien forms. Because multiple changes to the forms may impact State and Federal procedures and systems, we need to thoroughly analyze the options for revising the forms, and provide States and the public the opportunity to comment on any changes and associated burden. Also we have just substantially revised the Intergovernmental Forms (OMB: 0970-0085) and would like the Lien and Subpoena forms to look similar. Since the Intergovernmental Forms have not yet been approved or implemented, we believe that changes to the lien and subpoena forms are premature.

We are requesting an extension of the current forms without any changes. Once we complete the analysis of the issues raised in response to the recent 60-day notice, and once the Intergovernmental Forms have been approved, we will propose changes to the lien and subpoena forms and associated burden and request a new round of comments under the Paperwork Reduction Act. The changes will be based on the States' needs and the best interest of the program. We plan to involve the States in this process.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are involved.

10. Assurance of Confidentiality Provided to Respondents

Information the States collect using the Interstate Administrative Subpoena and Notice of Lien forms is subject to the confidentiality requirements at section 454(26) of the Social Security Act and the States' own confidentiality requirements protecting personal

information in their possession. It is up to each State to provide an assurance of confidentiality to their respondents.

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 Respondent	Average Burden Hours per Response	Total Burden Hours
Administrative Subpoena	31,344	1	0.50	15,672
Notice of Lien	1,916,891	1	0.25	479,223

Estimated Total Annual Burden Hours: 494,895

The figures contained in this table for the Administrative Subpoena instrument are based on the Office of Child Support Enforcement’s (OCSE) Federal Parent Locator Service completing 10,030,162 locates of noncustodial parents, employers, assets or other income in one year. Noncustodial parent locates would make up at least 75 percent of the total locates. The remaining 25 percent, or 2,507,541, would be the approximate number of locates of employers, assets or other income. Twenty-five percent of this number (626,885) provides the approximate number of such locates in interstate cases. In 95 percent of these interstate locate cases, employers or financial institutions would voluntarily provide the requested information and the State IV-D agency would not need to issue a subpoena. The remaining 31,344 (5 percent) represent the approximate number of respondents who would not voluntarily provide the requested information and would receive a subpoena. OCSE estimates that it takes 30 minutes to issue a subpoena form. Therefore the burden estimate for the Administrative Subpoena is 15,672 (31,344 multiplied by 0.5 hr).

The figures contained in this table for the Notice of Lien instrument are based on a total of 12,779,273 cases with orders being established in Fiscal Year 2014. We estimate that 60 percent of these cases are interstate and non-complying (7,667,564). We estimate that 25 percent of these cases have property against which a lien could be served (1,916,891). OCSE estimates that it takes 15 minutes to complete the lien form. Therefore the burden estimate for the Notice of Lien is 479,223 (1,916,891 multiplied by 0.25 hr).

13. Estimates 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 Interstate Administrative Subpoena and Notice of Interstate Lien, OCSE will post them on the OCSE website for States to download. There are no costs to the Federal Government.

15. Explanation for Program Changes or Adjustments

The adjustment in burden, for the Administrative Subpoena, from the last review of the form is due to a decrease in the number of Federal Parent Locator Service locate requests since the last time this burden was calculated. This decrease resulted in a decrease in the number of forms a State may use, based on the calculation described under item 12. The time required to fill out the form itself remains unchanged at 30 minutes.

There has been little change in estimated burden for the use of the Notice of Lien form because the number of new interstate cases for each fiscal year has remained relatively constant over time. The burden is slightly adjusted due to a small increase in the number of cases with orders being established since the last time this burden was calculated. The time required to fill out the form itself remains unchanged at 15 minutes.

The changes are primarily due to an adjustment in the child support caseload rather than due to a change in the information collection itself.

In the past, OCSE submitted the Administrative Subpoena and Notice of Lien forms in separate PRA packages. Since they are both mandated under section 454(9)(E) of the Social Security Act and processed within the same PRA timeframes, OCSE is submitting these forms in one PRA package.

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. 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 use of these forms does not require the use of statistical methods.