

Emergency ICR Supporting Statement  
Hague Child Support Convention Case Processing Forms

**A. Justification**

In accordance with OMB instructions, the following supporting statement is a request for clearance for a new information collection to use case processing forms under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the Hague Child Support Convention), which will be in effect for the United States on January 1, 2017.

1. Circumstances Making the Collection of Information Necessary

**International child support:** More than one country may become involved in a child support case when the parents and/or child live in different countries, when a support order was issued internationally, and when assets are sought in countries other than the country enforcing the support order, among other scenarios. Because laws and procedures vary widely among international jurisdictions, international cases can be complex and difficult to process, resulting in less child support reaching the families who need it. In the U.S., we estimate that about one percent of the total child support caseload has an international component, a number which is expected to increase over time.

**Hague Convention background:** On January 1, 2017, the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the Child Support Convention) will enter into force for the United States. This Convention contains groundbreaking provisions that, for the first time on a worldwide scale, will establish uniform, simple, fast, and inexpensive procedures for the processing of international child support cases. Once the Convention is in effect, U.S. States will process child support cases with other countries that have ratified the Convention under the requirements of the Convention and article 7 of the Uniform Interstate Family Support Act (UIFSA 2008). For more information about the Hague Child Support Convention, see Office of Child Support Enforcement (OCSE) policy AT-14-11, IM-15-01, IM 16-02, DCL 16-11, and DCL 16-12.

**Hague Convention forms:** In order to comply with the Convention, the U.S. must implement the Convention's case processing forms. The Convention case processing forms were developed by a special working group, in which the U.S. played a leadership role, as a part of the Hague Child Support Convention negotiations. The working group designed the 14 Convention forms to comply with the Convention and reduce the complexity of international case processing for all Convention countries.

The Convention forms include a mandatory transmittal form, a mandatory acknowledgment form, and 12 recommended forms grouped together by type of action. Once the Convention is in effect, IV-D agencies must use the mandatory transmittal form for outgoing cases to Convention countries and the mandatory acknowledgment form for incoming cases from Convention countries. Likewise, Convention countries must use the transmittal and

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acknowledgment forms when processing cases with the U.S.

In contrast, each Convention country determines its specific forms requirements regarding the use of the 12 recommended Hague forms. When a country ratifies the Convention, it identifies whether it wants other Convention countries to use the standard recommended forms when sending an application under the Convention. The United States will indicate that other countries must use the Convention's recommended forms when sending cases to the U.S.

The list of Hague Convention forms is below (article references are to the Convention):

- Mandatory: Transmittal form under Article 12(2)
- Mandatory: Acknowledgment form under Article 12(3)

### **Annex A: Recognition or Recognition and Enforcement**

1. Application for Recognition and Enforcement, including Restricted Information on the Applicant
2. Abstract of a Decision
3. Statement of Enforceability of a Decision
4. Statement of Proper Notice
5. Status of Application Report – Article 12

### **Annex B: Enforcement of a Decision Made or Recognized in Requested State**

6. Application for Enforcement of a Decision Made or Recognized in the Requested State, including Restricted Information on the Applicant
7. Status of Application Report - Article 12

### **Annex C: Establishment of a Decision**

8. Application for Establishment of a Decision, including Restricted Information on the Applicant
9. Status of Application Report - Article 12

### **Annex D: Modification of a Decision**

10. Application for Modification of a Decision, including Restricted Information on the Applicant
11. Status of Application Report - Article 12

### **Annex E: Financial Circumstances**

12. Financial Circumstances Form

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**Forms requirements:** Once the Hague Convention forms have Federal approval, all States must use the forms when appropriate, as required under State and Federal law. Section 311(b) of the Uniform Interstate Family Support Act (UIFSA) 2008, which has been enacted by all 50 States, the District of Columbia, Guam, Puerto Rico and the Virgin Islands, requires States to use forms mandated by Federal law. (UIFSA enactment was required by Public Law (P.L.) 113-183.) Regulations under 45 CFR 303.7 also require child support programs to use federally-approved forms in intergovernmental IV-D cases unless a country has provided alternative forms as a part of its chapter in a Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries.

**Emergency Clearance:** ACF has initiated a regular clearance process under the Paperwork Reduction Act (see item 8 below); however, this process will not be completed until after the Hague Child Support Convention's effective date of January 1, 2017. OCSE was not able to begin the regular PRA process earlier due to the uncertainty of the Convention's ratification date. Therefore, we are requesting an emergency clearance by October 20, 2016, pursuant to section 1320.13 of the implementing rule of the Paperwork Reduction Act. A notice for the emergency clearance was published in the Federal Register on [October 12, 2016, Volume 81, Number 197 on pages 70425 - 70426](#).

### 2. Purpose and Use of the Information Collection

#### 2.1 How the Information Is to Be Used

The Hague Convention case processing forms are used to facilitate child support case processing among foreign countries that are also party to the Convention. The standardized forms will be readily recognizable and provide the information countries agree is needed to process a case.

#### 2.2 By Whom the Information Is to Be Used

The Hague Convention Forms are used by entities involved in processing child support cases under the Convention. In the U.S., once the Convention is in effect, these entities include U.S. State child support enforcement agencies, and may also include courts/tribunals, attorneys, and parties in the U.S.

#### 2.3 For What Purpose the Information Is to Be Used

These forms are used by a child support agency in one country to collect and send necessary information to a child support agency in another country when requesting an action in a child support case. The forms are also used to respond to a request from another country. Standard forms facilitate communication, reduce errors, and speed

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processing time.

### 3. Use of Improved Information Technology and Burden Reduction

While all U.S. States process interstate cases (cases between U.S. States) using their computerized support enforcement systems, including exchanging information through interstate information networks, no such network currently exists in the international child support sphere. OCSE is currently working with Hague Convention partners to develop automated options. In the meantime, States may choose to integrate the Hague forms into their automated systems.

### 4. Efforts to Identify Duplication and Use of Similar Information

There is no similar information available through any known source or mechanism. Child support case information is known only to the agency involved and must be shared with other agencies in order to complete actions in a case. Just as OCSE developed a set of forms for use in interstate cases (OMB No.: 0970-0085), so the Hague Convention forms working group, including U.S. participants, developed these Hague forms to facilitate international case processing.

### 5. Impact on Small Businesses or Other Small Entities

This collection of information will have no impact on small businesses or other small entities.

### 6. Consequences of Collecting the Information Less Frequently

Without the information in these forms, collected as often as needed, U.S. states could not process child support cases with Hague Convention countries, delaying or denying child support from reaching families.

Collecting the data in these forms is necessary in order for the U.S. to comply with the Hague Convention. Use of the two mandatory Hague Convention forms, as described under item 1 of this supporting statement, (the mandatory transmittal form and the mandatory acknowledgment form) is required under Article 12 of the Hague Child Support Convention. Article 12 strongly recommends that Convention countries use the recommended forms and most Convention countries require other countries to use the recommended forms when sending a request for an action in a case. Therefore, in order to process cases under the Convention, U.S. States will need to use the recommended forms.

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

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There are no special circumstances associated with collecting this information.

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

Concurrent with submitting this emergency approval request to OMB, OCSE initiated a routine approval for the Hague Convention forms. The 60-day notice for the regular approval process was published in the Federal Register on September 30, 2016, Volume 81, Number 190 on page 67355-67356, soliciting comments on the burden estimate for the collection. See OCSE Dear Colleague Letter (DCL-16-21).

The emergency approval will allow states to start using the Hague forms by the January 1, 2017 effective date of the Hague Convention, in advance of getting official approval through the regular PRA 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 federally approved forms is subject to the confidentiality requirements at §454(26) of the Social Security Act (42 U.S.C. 654(26)) and the States' own confidentiality requirements protecting personal information in their possession.

### 11. Justification for Sensitive Questions

Because of the purposes of the intergovernmental forms, it is necessary to include personal information regarding the parents of the child. The information is necessary for filing child support actions in the responding country. Submitting the information on these forms saves the petitioner from needing to travel to the other country to file the actions personally.

In U.S. public assistance cases, the mother is informed that her cooperation with the State child support agency's efforts to establish paternity and secure child support is an eligibility requirement for the receipt of public assistance. In non-assistance cases, the mother or alleged father is advised that the State child support program cannot establish paternity without this information. In non-assistance cases, the petitioner decides whether he or she wishes to proceed.

### 12. Estimates of Annualized Burden Hours and Costs

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Instrument	Number of Respondents	Number of Responses per Respondent	Average Burden Hours per Response	Total Burden Hours
Annex I: Transmittal form under Article 12(2)	54	46	1	2,484
Annex II: Acknowledgment form under Article 12(3)	54	93	.5	2,511
Annex A: Application for Recognition and Enforcement, including restricted information on the applicant	54	19	.5	513
Annex A: Abstract of Decision	54	5	1	270
Annex A: Statement of Enforceability of Decision	54	19	0.17	174
Annex A: Statement of Proper Notice	54	5	.5	135
Annex A: Status of Application Report	54	37	.33	659
Annex B: Application for Enforcement of a Decision Made or Recognized in the Requested State, including restricted information on the applicant	54	19	.5	513
Annex B: Status of Application Report, Article 12	54	37	.33	659
Annex C: Application for Establishment of a Decision, including restricted information on the Applicant	54	5	.5	135
Annex C: Status of Application Report – Article 12	54	9	.33	160
Annex D: Application for Modification of a Decision, including Restricted Information on the Applicant	54	5	.5	135
Annex D: Status of Application Report – Article 12	54	9	.33	160
Annex E: Financial Circumstances Form	54	46	2	4,968

Estimated Total Annual Burden Hours:

13,478

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We are estimating the annual burden of using the Hague forms to be approximately 13,478 hours in total per year. This burden estimate is based upon an approximate 7,500 annual Hague Convention cases across the U.S., composed of 5,000 incoming cases (received from other countries) and 2,500 outgoing cases (sent to other countries).

Generally, we estimate international cases to be one percent of the total child support case load; the number of Hague Convention cases will be a subset of that total.

The annualized cost to the 54 child support programs associated with the use of the Hague Convention forms is estimated at \$294,494. This amount is based on an estimated average hourly caseworker salary and fringe benefits of \$21.85 multiplied by 13,478 burden hours. The average hourly caseworker salary and fringe benefits number was determined using the Bureau of Labor Statistics, May 2014, National Industry, Specific Occupational Employment and Wage Estimates.

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

Because States are not required to automate these forms, there is no estimated cost burden on respondents or record keepers associated with these forms other than the annual burden calculated under item 12 of this supporting statement.

### 14. Annualized Cost to the Federal Government

These forms are used by State child enforcement agencies; there is no cost to the Federal Government.

### 15. Explanation for Program Changes or Adjustments

This is a new collection request.

### 16. Plans for Tabulation and Publication and Project Time Schedule

There is no planned analysis or publication of the data collected.

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

OCSE will place the OMB number on the forms for use by U.S. States.

### 18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.

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

This information collection does not involve statistical methods, surveys or survey methodology, nor is any information compiled for or reported to the Federal Government.