

0970-0152 - Attachment 2
 Notice of Interstate Lien and Interstate Administrative Subpoena, OCSE-118

#	Submitted By	Comment	Form	Category	Response
1	Eileen M. Stack New York	Pursuant to the Notice of Lien, the lien attaches to all non-exempt real and/or personal property of the obligor, which is located or existing within the state/county of filing, including any property specifically described. A financial claim used as security for the child support debt, the Notice of Lien limits the obligor's ability to sell or otherwise transfer ownership of the property subject to the lien. However, the Notice of Lien does not explicitly execute or levy against the attached property. NYS OTDA suggests that ACF develop a notice of execution or levy to be issued against the property attached by the Notice of Lien. Such notice would require that the child support debt be satisfied out of the obligor's real or personal property subject to the lien (e.g., through the seizure and sale of such property and the release and remittance of funds to the Title IV-D agency or office). Thank you for the opportunity to comment.	Lien	Development of a notice of levy or execution	Thank you for your comment. OCSE will review this in the future.
2	Dawn M. Marquardt Oregon	On page 1 above the header, we suggest the following sentence be added "The information on this form may be disclosed only as authorized by law" before the statement "If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited." This additional statement appears on other intergovernmental forms.	Lien	Disclaimer	Thank you for your comment. OCSE agrees, and updated the form to be consistent with the revised OMB approved Intergovernmental forms. We are adding the following language to the header for both forms: "The information on this form may be disclosed as authorized by law".
3	Michele Cristello Massachusetts	Add language to the Notice of Lien emphasizing that interstate liens are entitled to full faith and credit. In state's experience, agencies and entities in other states may refuse to record or provide full faith and credit to an interstate child support lien. State recommends adding language to the Notice of Lien stating that a Notice of Lien filed by an out-of-state agency, obligee, or entity acting on behalf of the obligee is entitled to full faith and credit under 42 U.S.C. § 666(a)(4)(B).	Lien	Full faith and credit	Thank you for your comment. OCSE agrees, and added language to section II of the Notice of Lien which references the Social Security Act section 466(a)(4) regarding full faith and credit.
4	Alisha A. Griffin California	DCSS has no comments on the proposed collection relating to OMB 0970-0153 Notice of Lien. We appreciate the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed project.	Lien	General	Thank you for your comment.
5	Carol Eaton Iowa	Addition of Section IV Remit Payment. State agrees to this change.	Lien	No Change Supportive	Thank you for your comment.

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6	Carol Eaton Iowa	Addition of Section VI Release of Lien. State agrees to this change.	Lien	No Change Supportive	Thank you for your comment.
7	Dawn M. Marquardt Oregon	On Page 3, Section VI, it would be beneficial to add a notarial certificate for a notary public.	Lien	Notarization	Thank you for your comment. Notarization is not a federal requirement to release the lien. The completion of the information within section VI by an authorized agent of the entity sending the lien, effectively releases it by issuing this to the lienholder and can only be released by issuer.
8	Eileen M. Stack New York	<p>Lack of Notarization Requirement for Authorized Agent:</p> <p>The Notice of Lien requires a notarized signature if the party submitting the lien is the obligee or an attorney or entity representing the obligee. However, a notarized signature is not required if the lien is being filed by an authorized agent of a Title IV-D agency or office.</p> <p>The Notice of Lien further provides that all aspects of the lien, including its priority and enforcement, are governed by the law of the state where the property is located. For liens on real property, New York State requires a notarized signature on any notice of lien, including the signature of an authorized agent of an IV-D agency/office.</p> <p>Therefore, NYS OTDA suggests that the Notice of Lien include an optional notarization for the signature of an authorized agent of an IV-D agency/office if state law or policy so requires.</p>	Lien	Notarization	OCSE thanks you for your comment. Notarization is not a federal requirement. Previously, this form did not require notarization from the IV-D agency issuing the lien and therefore, we will not be adding this as a requirement on the revised form. This form is used by all states and territories, and as a federal form, we cannot make it specific for any one state. Additionally, this form is consistent with all our OMB approved Intergovernmental forms which no longer require notarization.
9	Kelly Morse Michigan	<p>We question whether obligee was used in place of obligee in Instructions for the Notice of Lien Section VI Release of Lien:</p> <ul style="list-style-type: none"> • The Lien must be released by the IV-D Agency or the obligee and/or his or her private attorney or entity acting on behalf of the obligee who issued the lien. • In the "Printed Name of Issuer" field, enter the IV-D Agency name or name of the obligee and/or his or her private attorney or entity acting on behalf of the obligee. 	Lien	Oblige/Obligee	Thank you for your comment. OCSE agrees with this comment and has updated the instructions under section VI to reflect "obligee" replacing "oblige".

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10	Dawn M. Marquardt Oregon	<p>On Page 3 of the Instructions, in Section VI, "oblige" should be "obligee" in the following statement: "The Lien must be released by the IV-D Agency or the obligee and/or his or her private attorney or entity acting on behalf of the obligee who issued the lien."</p> <p>The Notice of Lien form should allow flexibility to edit margin, header, and footer spacing, and allow for adjustment of the "File Stamp" area to allow for specific county recorder requirements.</p>	Lien	Oblige/Obligee File Stamp	<p>OCSE thanks you for your comment. We agree with the first comment and have updated the instructions under section VI to reflect "obligee" replacing "oblige". We disagree with the second comment. The Notice of Lien form will be used by all states and territories to issue the lien. This form should be consistent in the design regardless of issuer and we cannot allow modification of the form or template. This is an OMB approved form that cannot be altered.</p>
11	Carol Eaton Iowa	<p>Remove or redact the SSN to the last four digits to help protect personally identifiable information (PII).</p> <p>a. Name, address, date of birth and financial account number are necessary pieces of information needed to file the lien. The full SSN is not needed. In IA when sending forms to the Clerk of Court (COC) the SSN is redacted.</p> <p>b. Removal or redaction of the SSN results in one less piece of personally identifiable information (PII) included should the form be delivered to the incorrect person or agency.</p> <p>i. The form may be sent by paper through the mail to a IV-D agency, SOU or Lien Recorder. Copies of the lien are sent to the obligor at the obligor's last known address and to the obligee. If the obligor's address is not current or mail is delivered to the wrong address, anyone could receive the obligor's PII.</p> <p>ii. A breach of PII could also occur if the document is faxed and the intended recipient is not the person to pick it up off of the fax machine.</p>	Lien	SSN	<p>OCSE thanks you for your comment. The use of the Social Security Number is needed to identify the correct obligor and is required for child support case processing. Therefore, we disagree with this comment and will not be requiring a change to this data element.</p>
12	Eileen M. Stack New York	<p>Obligor's Date of Birth and Social Security Number: Pursuant to the Instructions for the Notice of Lien, the obligor's date of birth and Social Security number (SSN) are to be provided "if known." In addition, if the obligor has multiple SSNs, each SSN is to be listed on the Notice of Lien. Once a Notice of Lien is filed against real property in New York State, it is readily accessible to the public along with the obligor's full name, SSN, and date of birth. Given the high incidence of identity theft, NYS OTDA suggests that only essential identifying information be provided on the Notice of Lien and further recommends that the inclusion of the obligor's date of birth and SSN be optional. If additional identifying information is deemed necessary, the last four (4) digits of the obligor's SSN could be included on the Notice of Lien.</p>	Lien	SSN DOB	<p>OCSE thanks you for your comment. However, the SSN and DOB are not optional, and are used in child support information systems. They are needed for case processing.</p>

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13	Utah	No comments.	Lien and Subpoena	No Change	Thank you for your comment.
14	North Dakota	No comments and supports the changes.	Lien and Subpoena	No Change Supportive	Thank you for your comment.
15	Heather D. Noble Arizona	State is pleased to know there will be more than one place for a docket number and case number as the obligor may have more than once case. This will benefit the Subpoena request form in terms of space as the current form does not contain enough room. DCSSS is in favor of the Remit Payment section in the Notice of Lien; hopefully it will increase payment by the obligor to get the lien released sooner. In all, DCSS is happy with the positive changes.	Lien and Subpoena	No Change Supportive	Thank you for your comment.
16	Ted Mermigos Delaware	OMB Number: 1) There does not appear to be an OMB number on the new form yet it is necessary for the Administrative Subpoena to be valid	Lien and Subpoena	OMB Number	OCSE agrees and both of the forms have been updated.
17	Michele Cristello Massachusetts	Expand the instructions for individuals who receive the Administrative Subpoena or Notice of Lien in error. The headers of the Administrative Subpoena and Notice of Lien state, "If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution or copying of this form or its contents is strictly prohibited." Disclosure-related consequences may result from a lien or subpoena being sent to the incorrect recipient, so it may not be sufficient only to instruct the recipient that further use or disclosure is prohibited. The IV-D agency may be required to meet federal and state statutory noticing requirements if an individual's personal information is disclosed erroneously. We recommend adding a second sentence that states, "If you received this form in error, contact the sender immediately by telephone using the contact information provided below and either destroy the original form or return it, as directed by the sender."	Lien Subpoena	Headers	Thank you for your comment. OCSE has reviewed this option and updated the forms to be consistent with the revised OMB approved Intergovernmental forms. We are adding the following language to the header for both forms: "The information on this form may be disclosed as authorized by law".
18	Kelly Morse Michigan	We support changing the format of the Administrative Subpoena and Notice of Lien into titled sections. Sections present these forms in a clearer format for the issuer and recipient	Lien Subpoena	No Change Supportive	Thank you for your comment.

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19	Alisha A. Griffin California	<p><i>Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.</i></p> <p>To minimize the burden of collection and to avoid unnecessary work, we suggest including in Section IV Contact Information a statement such as "You may contact the person listed below to request a refinement of this request to meet your specific limitations or needs in substantially satisfying this subpoena."</p>	Subpoena	Contact information	Thank you for your comment. However, section IV includes the statement which starts, "For additional information regarding this subpoena..." this statement, provides the entity receiving the subpoena the contact information regarding any questions or additional information about the subpoena. The language is clear and understood.
20	Ted Mermigos Delaware	<p>Encryption:</p> <p>1) The form and the instructions include information about encryption requirements. While this information would be appropriate on the instructions, it may not be appropriate on the form. Furthermore, I do not believe encryption should be require to send the form. The form could be sent by mail or fax making encryption unnecessary, or in many cases, could omit the party's social security number. If the document was sent with encryption, the receiving entity may not have the ability to unencrypt it. When encryption is necessary, i.e. when information is sent by email, it is more likely to be sent by the party responding to the administrative subpoena and can be redacted or encrypted to their specifications.</p> <p>2) There is no utility in including the text on encryption on the Administrative Subpoena form itself. It should be kept on the instructions alone.</p>	Subpoena	Encryption	Thank you for your comment. The encryption language on the form and instructions are consistent with the OMB approved Intergovernmental forms and is specific, as it pertains to electronic communication.

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21	Alisha A. Griffin California	<p><i>Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.</i></p> <p>The collection of information by use of the Administrative Subpoena is necessary for proper performance of the local child support agencies (LCSA). The information collected has direct practical utility and is necessary in furtherance of performing the mandated duties of an LCSA which include establishing, modifying, and enforcing child support orders. .</p> <p><i>Accuracy of the agency's estimate of burden of the proposed collection of information.</i></p> <p>The estimated burden of the proposed collection of information may vary due to the information requested and the recipient of the Administrative Subpoena. We believe the public reporting burden for this collection of information at an estimated average of .5 hours per response is reasonably accurate.</p> <p><i>Quality, utility, and clarity of the information to be collected.</i></p> <p>The information collected is of sufficient quality and clarity and is to be useful in the LCSA executing its mandated duties. All requests will specify in detail the information requested to ensure clarity.</p>	Subpoena	Information collection Burden estimate	Thank you for your comment.
22	Kelly Morse Michigan	<p>We suggest making an edit to the Instructions to the Administrative Subpoena, Section III. We believe the statement, "You may use the space below the declaration statement to complete notarization if required in your state or witness information," could be clearer. It is difficult to know what "or witness information" refers to in this context. We suggest re-wording it to state, "You may use the space below the declaration statement to complete witness information notarization if required in your state."</p>	Subpoena	Notarization	Thank you for your comment. OCSE revised the language by moving "or witness information" after notarization to clarify.

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23	Ted Mermigos Delaware	Notarized/Witnessed 1) Section III requires the response to be notarized or witnessed. There was similar language was in the old form but the old form did not suggest returning that page with the response. While having the response notarized or the signature witnessed would be helpful, it does not bypass the potential need for testimony to authenticate the document. Any documents received would be hearsay. The best exception to hearsay category to admit the documents would be "Records of regularly conducted activity" under DRE 806(6). If a challenge is leveled, the documents would require testimony to authenticate. 2) If the form is going to be used for the receiving party to sign off on the documents sent, the notarization/ witnessed language should be more clear. Please note the example below. Authorized Signature _____ Title of Authorized Individual _____ Date Signed _____ STATE OF _____) SS COUNTY OF _____) BE IT REMEMBERED, this ___ day of _____ 20___, personally appeared before me, _____, who did declare, certify, verify and/or swear, under penalty of perjury, that the information included in their response to the Administrative Subpoena is true and correct. Witnessed by _____ OR I, _____ declare, certify, verify and/or swear, under penalty of perjury, that the information included in my response to the Administrative Subpoena is true and correct. Authorized Signature _____ Title of Authorized Individual _____ Date Signed _____ Witnessed by _____ Date Signed _____	Subpoena	Notarization	Thank you for your comment. OCSE recognizes that states have different procedures based on state laws and regulation. The space below the declaration/notarization statement is provided so the individual responding, may do so by having a notarization statement or a witness statement according to the laws or regulations in the state the subpoena is sent. Therefore, we want to accommodate all entities using the form and keep the form simple for use in all states and territories.
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24	Ted Mermigos Delaware	<p>Organization:</p> <p>1) Section IV is for us as agents of the IV-D agency to sign but includes information for the receiving party. The two ideas are comingled in the same paragraph. While this issue is in the old version of the Administrative Subpoena as well, I believe the content would be better served by separation. The paragraph in Section IV should only include the first sentence "As an authorized agent..." The following sentences "Failure to obey..." should be some alone (either at the bottom of the first page or under the "From" section).</p> <p>2) The document would be clearer if section III was on a separate page and sections I, II and IV were on a single page. That would place the contents of the request together and separate out the content suggested to be used for the receiving entity's authentication.</p>	Subpoena	Organization of Sections	<p>Thank you for your comment. We revised section IV and relocated the statement, "Failure to obey this subpoena..." within this section. The contact information for the authorized agent is incorporated in the final section of the form and is consistent with the OMB approved Intergovernmental forms. Therefore, we will not be revising the sequential order of the sections.</p>
25	Dawn M. Marquardt Oregon	<p>On Page 2, Section III, we suggest the "(fill in name)" text should be placed under the line instead of on the line so that the name can be entered on the line. . Other entries on the form are structured in this manner. On Page 2, Section III, a signature line should be added for the responding person.</p> <p>• The instructions for Section III specify "The person responding to the subpoena must indicate in the statement that under penalty of perjury the foregoing is true, and check either 'declare', 'certify', 'verify', or 'state'." [Emphasis added]. The document requires the individual to select one of these options, but gives no instruction as to which option is to be used in a particular instance. The prior version read "I declare (or certify, verify, or state) under penalty of perjury [...]" which did not require the responding individual to select a specific option. Some responding individuals will not know which option should be used.</p>	Supoena	Declaration Notarization	<p>OCSE appreciates your comment. We choose to indicate the "(fill in name)" above the area it needs to be filled in as an example. However, we removed this on the actual form and updated our instructions. The commenter also advised that we do not give instruction as to which option is to be used. However we disagree. This area of the form is to be completed by the person receiving the Administrative Subpoena, and how this area of the form is completed is specified by their state law. Some states use 'certify', others may use 'declare', we provided these options for flexibility and assisting states. These terms have been used on the form previously.</p>
26	Dawn M. Marquardt Oregon	<p>On Page 1 above the header, we suggest the following sentence be added "The information on this form may be disclosed only as authorized by law" before the statement "If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited." This additional statement appears on other intergovernmental forms.</p>	Supoena	Disclaimer	<p>OCSE appreciates your comment. We have reviewed this option and updated the form to be consistent with the revised OMB approved Intergovernmental forms. We are adding the following language to the header for both forms: "The information on this form may be disclosed as authorized by law".</p>