

Provision of Child Support Services in IV-D Cases under the Hague Child Support Convention

**OMB Information Collection Request
0970 - 0488**

Supporting Statement Part A - Justification

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Office of Child Support Enforcement
Administration for Children and Families
U.S. Department of Health and Human Services

SUPPORTING STATEMENT A – JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

International child support cases are those where the parents and/or child live in different countries, a support order was issued internationally, or 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 half of one percent of the total child support caseload has an international component, a number which is expected to increase over time.

On January 1, 2017, the multilateral 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the Hague Child Support Convention) came into force for the U.S. The U.S. now has reciprocal relationships with 36 other foreign countries under the Hague Convention and that number is growing. Countries that are party to the Hague Child Support Convention use 14 standardized Convention case processing forms, which were designed to greatly reduce the complexity of case processing in the international context. The forms were developed by a special working group, in which the U.S. played a leadership role.

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.

2. Purpose and Use of the Information Collection

The Hague Convention case processing 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. In the U.S., the forms are used by state child support enforcement agencies working international cases under the Convention. The forms may also be used by courts/tribunals, attorneys, and parties in the U.S. Neither the forms nor the information on the forms is sent to or collected by the federal Office of Child Support Enforcement (OCSE).

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

The collection of information will have no impact on small business or 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, which is an international private law treaty that came into effect for the U.S. on January 1, 2017. This Convention benefits U.S. families who are able to access the uniform, simple, fast, and inexpensive procedures under the Convention to get child support from parents living in dozens of foreign jurisdictions.

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

There are no special circumstances associated with collecting this information. State agencies using these forms must adhere to the generally applicable regulatory timeframes for intergovernmental case processing as required under 45 CFR 303.7. Some of the case processing timeframes include sending information on the forms in fewer than 30 days, in order to provide effective child support services to families. As noted earlier, neither these forms nor the information on the forms is submitted directly to the federal OCSE.

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

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on August 8, 2019, Volume 84, Number 153, page 38991, and provided a sixty-day period for public comment.

During the notice and comment period, one comment was received on the burden estimate. The comment provided information on Florida's total burden estimate for the year using these forms, but did not otherwise comment on OCSE's national burden estimate. Because we could not extrapolate the information Florida provided to the national burden estimate, we did not adjust the burden estimate for the use of these forms, in response to the comment. (See Attachment A – Public Comment from FL on Hague Convention Forms). We believe the current estimates provide an appropriate average burden estimate for all responses.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are involved in this information collection.

10. Assurance of Confidentiality Provided to Respondents

Information that state child support agencies collect using the federally-approved Hague 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 Hague case processing 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

| Information Collection Title | Total Number of Respondents | Total Number of Responses Per Respondent | Average Burden Hours Per Response | Annual Burden Hours | Average Hourly Wage | Total Annual Cost |
|---|-----------------------------|--|-----------------------------------|---------------------|--|-------------------|
| Annex I: Transmittal form under Article 12(2) | 54 | 45 | 1 | 2,430 | 34.44 | \$83,689 |
| Annex II: Acknowledgment form under Article 12(3) | 54 | 90 | .5 | 2,430 | 34.44 | \$83,689 |
| Annex A: Application for Recognition and Enforcement, including restricted information on the applicant | 54 | 18 | .5 | 486 | 34.44 | \$16,738 |
| Annex A: Abstract of Decision | 54 | 4 | 1 | 216 | 34.44 | \$7,439 |
| Annex A: Statement of Enforceability of Decision | 54 | 18 | .17 | 165 | 34.44 | \$5,683 |
| Annex A: Statement of Proper Notice | 54 | 4 | .5 | 108 | 34.44 | \$3,720 |
| Annex A: Status of Application Report | 54 | 36 | .33 | 642 | 34.44 | \$22,110 |
| Annex B: Application for Enforcement of a Decision Made or Recognized in the Requested State, including restricted information on the applicant | 54 | 18 | .5 | 486 | 34.44 | \$16,738 |
| Annex B: Status of Application Report, Article 12 | 54 | 36 | .33 | 642 | 34.44 | \$22,110 |
| Annex C: Application for Establishment of a Decision, including restricted information on the Applicant | 54 | 4 | .5 | 108 | 34.44 | \$3,720 |
| Annex C: Status of Application Report – Article 12 | 54 | 9 | .33 | 160 | 34.44 | \$5,510 |
| Annex D: Application for Modification of a Decision, including Restricted Information on the Applicant | 54 | 4 | .5 | 108 | 34.44 | \$3,720 |
| Annex D: Status of Application Report – Article 12 | 54 | 9 | .33 | 160 | 34.44 | \$5,510 |
| Annex E: Financial Circumstances Form | 54 | 45 | 2 | 4,860 | 34.44 | \$167,378 |
| Estimated Annual Burden Total: | | | | 13,001 | Estimate d Annual Cost Total: | \$447,754 |

Regarding cost calculations, the Bureau of Labor Statistics reports the mean hourly wage for Social and Human Services Assistants (job code 21-1093) is \$17.22. Multiplying this hourly wage by two to account for fringe benefits and overhead the rate, the rate is \$34.44. Therefore,

the estimate of annualized cost to respondents for hour burden is \$34.44 times 13,001 or \$447,754.

<https://www.bls.gov/oes/current/oes211093.htm>

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

There are no other costs to respondents and record keepers.

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

From the last information collection, the number of burden hours decreased slightly due to a decline in the national caseload: from 13,478 annual burden hours to 13,001 burden hours in this information collection. However, in this estimate, we included a higher hourly wage and fringe benefits rate, so that this collection estimates a higher average hourly wage, which accounts for a higher annual cost of \$447,754, as compared to \$294,494 in the last information collection.

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

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.