

# OCSE Stafford Act Flexibilities Request Form

OCSE recognizes that specific states and tribes may need flexibilities in addition to the modified timeframes listed in DCL-20-04. Section 301 of the Stafford Act, 42 U.S.C. § 5141, provides that “Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State [or Indian tribal government] or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.”<sup>[1]</sup>

Complete this form to request additional program flexibilities during the declared major disaster and submit it to the [Regional Program Manager](#) in your area. The request from the state or tribal child support director must identify the specific timeframe(s) needing modification or waiver (including the statutory or regulatory citations), a short description/rationale justifying the need for the modification or waiver of the timeframe based on the impact of the COVID-19 pandemic on program operations, and the desired revised timeframe.

OCSE will expedite the review process and the Regional Program Manager will provide a response via email to the state or tribal child support director.

Complete this section

## State/Territory/Tribe

### Modification of Timeframe(s) from DCL-20-04

Identify in the table below any requested timeframe modifications from the examples in DCL-20-04.

| CRITERIA   | DESCRIPTION                                 | STATUTE/REGULATION                                 | CURRENT REQUIREMENT | FLEXIBILITY   |
|------------|---|--|---------------------|---|
| STATE PLAN | Payment disbursement within 2 business days | 454B (c) (1)<br>302.32(b)(1), (2)(i), and<br>2(ii) | 2 Business Days     | 5 Business Days for fully electronic processes and 10 Business days if manual processes are required. |

<sup>[1]</sup>Regulations issued by the Federal Emergency Management Agency (FEMA) under the Stafford Act at 44 CFR 206.2(a)(16), define the term “local government” to include Indian tribe, authorized tribal organization, or Alaska Native village or organization.

PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN: Through this information collection, ACF is gathering information from state and tribal Title IV-D child support agencies requesting administrative flexibilities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5191, due to the COVID-19 pandemic. Public reporting burden for this collection of information is estimated to average 1 hour per request, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a voluntary collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. If you have any comments on this collection of information, please contact [ocsedro@acf.hhs.gov](mailto:ocsedro@acf.hhs.gov).

|  | CRITERIA                    | DESCRIPTION   | STATUTE/REGULATION              | CURRENT REQUIREMENT | FLEXIBILITY  |
|--|-----------------------------|---|---------------------------------|---------------------|--|
|  | STATE PLAN                  | Child support guidelines reviews conducted at least once every four years   | 467(a), 469<br>302.56(e)        | Every 4 years       | If a state is in the process of conducting a review or is initiating a review in 2020, the state has one additional year to complete the review. |
|  | PATERNITY AND SUPPORT ORDER | Establish orders or complete service of process within 90 calendar days of locate   | 303.4(d)                        | 90 Calendar Days    | 180 Calendar Days  |
|  | ENFORCEMENT                 | Take enforcement action within 30 calendar days of delinquency  | 303.6(c)(2)                     | 30 Calendar Days    | 60 Calendar Days   |
|  | ENFORCEMENT                 | Take enforcement action within 60 calendar days of delinquency when service of process is necessary   | 303.6(c)(2)                     | 60 Calendar Days    | 120 Calendar Days  |
|  | INTERSTATE                  | Make Intergovernmental referrals within 20 calendar days  | 303.7(c)(4)(i),(ii)             | 20 Calendar Days    | 40 Calendar Days   |
|  | INTERSTATE                  | Take specified actions within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry                                    | 303.7(d)(2)(i), (ii), and (iii) | 75 Calendar Days    | 150 Calendar Days  |
|  | INTERSTATE                  | Within 10 working days of locating the noncustodial parent in a different State, return forms, or, if directed, forward/transmit forms to noncustodial parent's state | 303.7(d)(3)                     | 10 Working Days     | 20 Working Days  |

|  | CRITERIA              | DESCRIPTION  | STATUTE/REGULATION  | CURRENT REQUIREMENT | FLEXIBILITY   |
|--|-----------------------|--|---|---------------------|---|
|  | INTERSTATE            | Forward/transmit forms within 10 working days of locating the noncustodial parent in a different political subdivision within the State                                | 303.7(d)(4)   | 10 Working Days     | 20 Working Days   |
|  | INTERSTATE            | File the controlling order determination request within 30 calendar days   | 303.7(d)(5)(i)  | 30 Calendar Days    | 60 Calendar Days  |
|  | INTERSTATE            | Notify appropriate jurisdictions of the controlling order determination and any reconciled arrearages within 30 calendar days  | 303.7(d)(5)(ii)   | 30 Calendar Days    | 60 Calendar Days  |
|  | INTERSTATE            | Within 10 working days of receipt of instructions for case closure, stop responding state income withholding and close interstate case                                 | 303.7(d)(9)   | 10 Work Days        | 20 Work Days  |
|  | REVIEW AND ADJUSTMENT | Provide notice (of the right to request review of the order) within 15 business days when learning of noncustodial parent incarceration of more than 180 calendar days | 303.8(b)(7)(ii)   | 15 Business Days    | 30 Business Days  |
|  | INCOME WITHHOLDING    | Issue the income withholding order (IWO) notice to the employer within 2 business days   | 303.100 (e)(2), 303.100 (e)(3), 454A(g)(1)(A)(i), 466, 453A (g) (1) | 2 Business Days     | 5 Business Days for fully electronic processes and 10 Business days if manual processes are required. |
|  | SYSTEMS               | The statewide system must transmit IWO orders and notices to employers and other debtors within 2 business days  | 307.11 (c) (1) (i)  | 2 Business Days     | 5 Business Days for fully electronic processes and 10 Business days if manual processes are required. |

|  | CRITERIA    | DESCRIPTION   | STATUTE/REGULATION | CURRENT REQUIREMENT | FLEXIBILITY   |
|--|-------------|---|--------------------|---------------------|---|
|  | TRIBAL PLAN | Provide notices of support collected itemized by month of collection, at least once a year                          | 309.75(c)          |                     | Yearly notices of support collected due may be sent to families no later than December 31, 2020.  |
|  | TRIBAL PLAN | Indicate that child support guidelines will be reviewed and revised, if appropriate, at least once every four years | 309.105(a)(4)      | Every 4 years       | If a tribe is in the process of conducting a review or is initiating a review in 2020, the tribe has one additional year to complete the review |

### ***Other Modification or Waiver Being Requested***

Identify the program requirement needing modification or waiver.

### **Statutory or Regulatory Citations**

Enter the statutory or regulatory citations of the requirement you are requesting to have modified or waived. (No citations are needed for timeframes from the above chart.)

### **Reason for Request**

Describe the specific impact on the program that prompts your request. If requesting flexibility on a timeframe, please specify your proposed new timeframe.

**Date of Submission:**

**Submitted By:**

***Date Submission Received***

***Division Assigned***

***Recommendation***

***Date Completed***