

# **OCSE Stafford Act Flexibilities Request Form**

**OMB Information Collection Request  
0970 - New**

## **Supporting Statement Part A - Justification**

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

## SUPPORTING STATEMENT A – JUSTIFICATION

### Summary

#### 1. Circumstances Making the Collection of Information Necessary

Due to the exceptional and devastating impact of the COVID-19 pandemic, state and tribal agencies operating child support programs under title IV-D of the Social Security Act have faced significant operational and other challenges in providing critical child support services to families. For example, parents may temporarily be unable to come physically to child support offices for intake or genetic testing. Agency staff may be working from home and courts in many jurisdictions have suspended certain civil proceedings. States, territories, and tribes have urgently requested flexibility from the Office of Child Support Enforcement (OCSE) that will allow them to ensure the safety of their staff and the public, while continuing to provide services to families within the child support program.

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.” To communicate that child support agencies may request relief under the Stafford Act, on May 28, 2020, OCSE published **Dear Colleague Letter (DCL) 20-04**<sup>1</sup>: Flexibilities for State and Tribal Child Support Agencies during COVID-19.

OCSE developed a short, streamlined, standardized form for state and tribal IV-D agencies to request administrative flexibilities under the Stafford Act due to the COVID-19 pandemic, as described in DCL-20-04. The data elements for this collection instrument/form correspond to the types of information states and tribes need to provide to OCSE, as described in the DCL. Having a form to collect the DCL data elements will allow OCSE to create a transparent, uniform, organized, and fair process that will facilitate decision-making and record keeping.

This information collection was previously allowed under a waiver of Paperwork Reduction Act (PRA) requirements. On June 9, 2020, the Secretary of the U.S Department of Health and Human Services determined that under the authority of Section 319(f) of the Public Health Services Act it was appropriate to waive certain PRA requirements in order to use this form to collect voluntary information in response to the Public Health Emergency. This temporary waiver is listed on HHS’s website for Public Health Emergency Declaration – PRA Waivers.

OCSE now requests approval from the Office of Management and Budget (OMB) to continue use of this form after the PRA waiver expires and until the Public Health

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<sup>1</sup> <https://www.acf.hhs.gov/css/resource/flexibilities-for-state-and-tribal-child-support-agencies-during-covid-19>

Emergency Declaration expires in each state or tribe requesting flexibilities.

A state or tribe can only request flexibilities (by using the form) while the Public Health Emergency Declaration is in effect in the state or tribe, per DCL-20-04.

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

State and tribal IV-D agencies will use the form to request administrative flexibilities under the Stafford Act due to the COVID-19 pandemic, as described in DCL-20-04. Under the current temporary authority to use the form, OCSE has received approximately 120 requests for flexibilities from state and tribal child support agencies. OCSE has used the information provided on the form to provide necessary administrative flexibilities to agencies.

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

Approval of this standardized form, with suggested standard responses, reduces the burden of states and tribes in developing individual requests. OCSE encourages electronic transmission of these forms for speed and efficiency.

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

This is a unique information collection to allow state and tribal agencies to request administrative flexibilities in response to the current pandemic. This collection does not duplicate any other collection.

## **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**

This collection is optional while the Public Health Emergency Declaration in response to the pandemic is in effect in the state or tribe. We expect states and tribal child support agencies to submit, on average, 1 request annually.

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

There are no special circumstances relating to the guidelines of 5 CFR 1320.5 associated with this information collection.

## **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 November 5, 2020, [Volume 85, Number 215, page 70634](#), and provided a 60-day comment

period for public comment. During the notice and comment period, we received no comments on the new proposed collection.

**9. Explanation of Any Payment or Gift to Respondents**

Not applicable.

**10. Assurance of Confidentiality Provided to Respondents**

Not applicable.

**11. Justification for Sensitive Questions**

Not applicable.

**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	Total Burden Hours	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
OCSE Stafford Act Flexibilities Request Form	114	3	1	342	114	\$71.84	\$8,159
<b>Estimated Total Annual Burden Hours:</b>					<b>114</b>	<b>Estimated Annual Cost Total:</b>	<b>\$8,159</b>

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Social and Human Services Managers [11-9151] and wage data from May 2019, which is \$35.92 per hour. To account for fringe benefits and overhead, the rate was multiplied by two, which is \$71.84. The estimate of annualized cost to respondents for hour burden is \$71.84 times 114 hours or \$8,159.

<https://www.bls.gov/oes/current/oes119151.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**

The annualized costs to the federal government for the hour burdens are based on an average wage rate of \$53 per hour for federal employees who review requests for flexibilities under DCL-20-04 from states and tribal agencies. Estimates regarding the hours federal staff spend processing each request average .5 hours per request and were determined by experience in reviewing requests submitted during 2020. Approximately 3 staff are involved in each request.

<b>Instrument</b>	<b>Annual number of responses</b>	<b>Number of federal staff involved per request</b>	<b>Average federal burden hours per response</b>	<b>Average hourly federal wage</b>	<b>Total Annual Cost</b>
OCSE Stafford Act Flexibilities Request Form	114	3	.5	\$53	\$9,063

**15. Explanation for Program Changes or Adjustments**

This is a new 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.