

Interstate Administrative Subpoena and Notice of Lien

**OMB Information Collection Request
0970 – 0152**

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

1. Circumstances Making the Collection of Information Necessary

Section 452(a)(11) of the Social Security Act requires the Secretary of the Department of Health and Human Services to promulgate forms for administrative subpoenas and imposition of liens used by state child support enforcement (Title IV-D) agencies in interstate cases. Section 454(9)(E) of the Social Security Act requires each state to cooperate with any other state in using the federal forms for issuance of administrative subpoenas and imposition of liens in interstate child support cases. The forms included in this information collection request – Administrative Subpoena and Notice of Lien – fulfill these requirements.

2. Purpose and Use of the Information Collection

The Administrative Subpoena is used by state IV-D agencies to obtain income and other financial information regarding noncustodial parents for purposes of establishing, enforcing, and modifying child support orders. The Social Security Act authorizes each state to send these Administrative Subpoenas to employers and financial institutions across state lines.

Section 466 of the Social Security Act requires state IV-D agencies to have procedures to impose liens in cases with overdue support. A state IV-D agency uses the Notice of Lien form to file liens across state lines when it is more efficient than involving the other state's IV-D agency. This form can also be used by custodial parents and their private attorneys in non-IV-D cases.

These forms are used by state child support agencies and by individuals; the federal office – the Office of Child Support Enforcement (OCSE) – provides these forms for use by agencies and individuals, but does not use the information collected on the forms.

3. Use of Improved Information Technology and Burden Reduction

Federal regulations for interstate case processing encourage the use of electronic communication, and state law under the Uniform Interstate Family Support Act allows the electronic transmission of information as well. However, state law governs intrastate procedures for filing subpoenas and liens and may place restrictions on electronic procedures in particular states.

4. Efforts to Identify Duplication and Use of Similar Information

In the original development of the Administrative Subpoena and Notice of Lien, considerable attention was focused on preventing duplication. At this time, we are not making any changes to the forms that will affect the effort that was previously made to avoid duplication. The Administrative Subpoena is to be used in situations where similar information is not already available.

5. Impact on Small Businesses or Other Small Entities

This collection of information will have no impact on small businesses or other small entities because both forms are completed by state child support agencies and not by small businesses or other entities.

6. Consequences of Collecting the Information Less Frequently

The Social Security Act requires this collection of information in order to collect child support debt across state lines.

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

There are no special circumstances associated with collection of this information.

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 January 5, 2021, [Volume 86, Number 2, page 307](#), and provided a 60-day period for public comment. During the notice and comment period, two comments were received. The comments and OCSE’s responses are included in Attachment A: Public Comments - OCSE Lien and Subpoena OMB 0970-0152. OCSE made no changes to the forms based on those comments.

However, during the comment period and through further review of the forms, OCSE did make minor typographical corrections to the Notice of Lien form. Under Section II, in the second sentence, we inserted the word “Security,” so that the title of the Act now correctly reads “the Social Security Act.” We also added a period at the end of that sentence inside the parentheses.

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 Administrative Subpoena and Notice of Lien forms are subject to the confidentiality requirements of Section 454(26) of the Social Security Act and the states’ own confidentiality requirements protecting personal information in their possession. It is up to each state to provide an assurance of confidentiality to their respondents.

11. Justification for Sensitive Questions

This information collection does not involve any questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

Information Collection Title	Total Number of Respondents	Annual Average Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Administrative Subpoena	54	514	.50	13,882	\$35.62	\$494,477
Notice of Lien	54	33,092	.50	893,494	\$35.62	\$31,826,256
Estimated Annual Burden Total:				907,376	Estimated Annual Cost Total:	\$32,320,733

In order for OCSE to calculate the burden estimate for the Administrative Subpoena, we needed to extrapolate an estimate for how many Administrative Subpoenas are issued by state child support agencies each year, since OCSE does not collect this information. To do this, we started with data from the OCSE FY 2019 Annual Preliminary Report.¹ As noted in table 97 of the Preliminary Report, OCSE's Federal Parent Locator Service completed 8,884,088 locates of noncustodial parents, employers, assets, or other income in FY 2019. Noncustodial parent locates would make up at least 75% of the total locates. The remaining 25 percent (or 2,221,022) would be the approximate number of locates of employers, assets, or other income. Twenty-five percent of this number (555,256) provides the approximate number of such locates in interstate cases. In 95% of these interstate locate cases, employers or financial institutions would voluntarily provide the requested information, and the state IV-D agency would not need to issue a subpoena. Therefore, the remaining 27,763 (5%) represent the approximate number of entities that would not voluntarily provide the requested information and would, therefore, require a state agency to use the subpoena form to seek the information.

Fifty-four (54) state IV-D agencies are the respondents using and completing this form. To complete the third column in the burden table, we divided the total number of estimated annual uses of this form (27,763) by the number of agencies to get the annual average number of responses per IV-D agency: 514.13 (rounded to 514 in the table). OCSE estimates that it takes 30 minutes to issue a subpoena form. Therefore, the annual burden estimate for the Administrative Subpoena is 13,882 (27,763 multiplied by 0.5 hour).

¹ <https://www.acf.hhs.gov/css/policy-guidance/fy-2019-preliminary-data-report> (OMB # 0970-0177)

Similarly, OCSE does not collect information on how often states use the Notice of Lien form, so we needed to extrapolate and estimate this number using data, again, from the OCSE FY 2019 Preliminary Report. Table 2 of the report indicates a total of 11,913,254 cases with orders being established in FY 2019. We estimate that 60% of these cases are interstate and non-complying (7,147,952). We estimate that 25 percent of these cases have property against which a lien could be served (1,786,988).

Since there are 54 IV-D agencies as the respondents using the lien form, dividing the total number of estimated annual uses of this form (1,786,988) by the number of agencies, we get the annual average number of responses per IV-D agency in column three of the burden table: 33,092.37 (rounded to 33,092 in the table). OCSE estimates that it takes 30 minutes to complete the lien form. Therefore, the annual burden estimate for the Notice of Lien is 893,494 (1,786,988 multiplied by 0.5 hour).

There are several revisions to the numbers in the burden table as compared to the last approval of this collection, as well as the table in the first *Federal Register* notice published in January 5, 2021. Previously, instead of using the 54 state agencies in the respondents' column for both forms, we erroneously used the number of the total annual uses of the forms. Because we had used the total number of uses of the form as the respondents, we had indicated only one response per respondent in the third column. In this revised version of the burden table for the second notice, we updated the third column as well so that the total number of uses of the form is appropriately the total number of all annual uses divided by the number of respondents. For clarity, we revised the title of the third column to indicate the number is annual average. Despite these revisions, the overall burden calculations for hours and costs remain the same from the first notice. The overall burden estimate has decreased since the previous approval of the collection due to a decrease in the number of Federal Parent Locator Service requests since the last time this burden was calculated.

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Social and Human Services Assistants (job code 21-1093) and wage data from May 2019. (See <https://www.bls.gov/oes/current/oes211093.htm>) The mean hourly wage for this category is \$17.81. To account for fringe benefits and overhead, the rate was multiplied by two, which is \$35.62.

Using this number as the average hourly wage, we calculated the cost to respondents as follows: For the Administrative Subpoena, the estimate of annualized cost to respondents for hour burden is \$35.62 times 13,882 hours or \$494,476.84 (on the chart it is \$494,477 due to rounding differences). For the Notice of Lien, the estimate of annualized cost to respondents for hour burden is \$35.62 times 893,494 hours or \$31,826,256.28 (on the chart it is \$31,826,256 due to rounding differences). The sum of both provides the total annual cost for respondents, which is \$32,320,733.12.

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

There is no new annual cost burden to respondents resulting from this collection of information. Respondents already have staff and resources in place to respond to this information collection.

14. Annualized Cost to the Federal Government

Upon reauthorization of the Administrative Subpoena and Notice of Lien, OCSE will post them on the OCSE website for states to download. There are no costs to the federal government.

15. Explanation for Program Changes or Adjustments

The adjustment in burden, for the Administrative Subpoena, from the last review of the form is due to a decrease in the number of Federal Parent Locator Service requests since the last time this burden was calculated. This decrease resulted in a decrease in the number of forms a state may use, based on the calculation described under Item 12. The time required to fill out the form itself remains unchanged at 30 minutes.

The adjustment in burden for the Notice of Lien from the last review of the form is due to a decrease in the number of cases with orders established since the last time this burden was calculated. This decrease resulted in a decrease in the number of forms a state may use based on the calculation described under Item 12. The time required to fill out the form itself remains unchanged at 30 minutes.

16. Plans for Tabulation and Publication and Project Time Schedule

There are no plans to publish results of this information. States and individuals use these forms; OCSE does not collect the information.

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.