

On March 18, 2021, ACF announced nonsubstantive updates to the OCSE-396 and OCSE-34 Forms under OMB #0970-0181 in Federal Register Volume 86, Number 51, page 14756. ACF then renewed the OCSE-396 and OCSE-34 Forms under OMB #0970-0510. The OCSE-34 and OCSE-396 Forms now expire 6/30/2024. In response to the March 2021 Federal Register notice (86. FR 14756), ACF received several comments. In response, ACF is updating the OCSE-34 and OCSE-396 Form Instructions. The following information summarizes the comments received and the agency responses.

| | Comment Received | ACF Response |
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| 1 | Several commenters noted the burden hours per response related to the OCSE-396 form. A commenter estimated 40 hours, another commented estimated 18 hours, and another commented 10 hours. | ACF originally estimated 6 hours per response under OMB #0970-0181. Based on the comments received the estimate is revised to 14 hours. The burden hours under OMB #0970-0510 are shown cumulatively for 5 ACF forms. |
| 2 | Several commenters noted burden hours related to the OCSE-396 form. A commenter estimated 6 hours, and two others commented 14 hours. | ACF originally estimated 14 hours per response. Based on the comments received these estimates are appropriate. |
| 3 | In the instruction for Line 7(d) of part 1 of the OCSE-34, the phrase “or to the foster care agency to be used on the child’s behalf” is proposed to be removed. When the change is considered in context with the following sentence regarding collections distributed to the family but assigned by the family and forwarded to another agency such as Foster Care, it is unclear whether a substantive change is intended. For example, assume an obligor has a higher than usual income and thus a higher than usual current support obligation. If his or her child is placed in a family foster care setting, likely the maintenance payment (e.g., \$400) will be less than the current support obligation (e.g., \$700). Today, we would pay the excess to the Foster Care program, as legal custodian of the child, to use in the child's best interests and we would report \$300 on Line 7D. Would reporting the \$300 on Line 7D continue to be appropriate if the change in instruction is adopted? We suggest it should be, but the proposed change in instruction makes it unclear, since we would generally not consider the \$300 to be “distributed” to the family. The use of the disjunctive “or” in the current instruction more clearly applies to our hypothetical scenario. | ACF decided to remove this proposed change to the instructions for Line 7 (d). |
| 4 | A commenter noted with regard to OCSE-396, lines 4 and 5, they requested additional detail on the meanings of “System | ACF added additional clarification in the OCSE-396 form |

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| | Development” on Line 4 and “System Operation and Maintenance” on Line 5. | instructions. |
| 5 | A commenter noted for Line 1b. IV-D Administrative Expenditures should remove the included references since the 2010 APD regulatory reform, approved APDs are required for all automated Statewide Child Support Enforcement (CSES) costs related to “planning, design, development, implementation, enhancement, operation or maintenance”, therefore none should be included on this line. | ACF removed the language in the included section except for the last bullet in this section. |
| 6 | A commenter noted for Line 1b. IV-D Administrative Expenditures the reference to 6 should instead reference line 1a. | ACF revised from line 6 to line 1a. |
| 7 | A commenter noted the following edits for Line 4 --Add references to the types of APDs, give more instruction on when to split out development costs vs. O&M, and specifically call out not reporting incentive expenditures to ensure states don’t accidentally report here and receive FFP. | ACF revised the include and not include sections for Line 4 and Line 5 to address the comments. |