



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

Office of the Assistant Secretary, Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ACTION TRANSMITTAL

AT-08-01

DATE: JAN - 4 2008

ATTACHMENT:

State plan page 2.5 - 4
State plan page 2.12 - 10
State plan page 2.12 - 19
State plan page 3.18

TO: State Agencies Administering Child Support Enforcement Plans under Title IV-D of the Social Security Act and Other Interested Individuals

SUBJECT: Revision of the Title IV-D State Plan Preprint; Submission of new State plan page 2.5 - 4; Re-Submission of State plan pages 2.12 -10, 2.12 - 19; and revised 3.18 reflecting the changes made to the State plan provisions of title IV-D of the Social Security Act (Act) by P.L. 109-171, the Deficit Reduction Act of 2005 (DRA).

ATTACHMENTS: There are four attachments: State plan page 2.5 - 4, Services to Individuals (Mandatory Annual Fee Applicable to IV-D Cases with Individuals Who Have Never Received IV-A Assistance); State plan page 2.12 - 10, Procedures to Improve Program Effectiveness (Review and Adjustment of Child Support Orders); State plan page 2.12 - 19, Procedures to Improve Program Effectiveness (Enforcement of Orders for Health Care Coverage); and State plan page 3.18, Denial of Passports for Non-Payment of Child Support

BACKGROUND: Sections 454 and 466 of the Act set forth the requirements for State plans and required State laws and procedures for the Child Support Enforcement program. Title VII of the DRA made a number of amendments to sections 452, 454 and 466 of the Act, which are reflected in the State plan and require States to either establish new or modify existing laws or procedures.

As a condition of receiving Federal financial participation, the State IV-D agency must have an approved State plan describing the nature and scope of its Child Support Enforcement program and which meets all Federal requirements. The State plan consists of the preprinted State plan pages and any related attachments and contains all information necessary for the Office of Child Support Enforcement (OCSE) to determine whether a State plan can be approved.

CONTENT: The following four State plan pages and a completed transmittal notice form (OCSE-21-U4) must be submitted to the appropriate ACF Regional Office attesting to compliance with the requirements set forth on the page:

- State plan page 2.5, Services to Individuals, is amended by adding 2.5 – 4, Mandatory Annual Fee Applicable to IV-D Cases with Individuals Who Have Never Received IV-A Assistance, which requires that a State provide for the imposition of an annual fee of \$25 in each case in which there is an individual who has never received assistance under a State program funded under title IV-A of the Act and for whom the State has collected at least \$500 of support pursuant to section 454(6)(B)(ii) of the Act. This mandatory fee requirement was effective October 1, 2006.
- State plan page 2.12 – 10, Review and Adjustment of Child Support Orders, has been revised to remove “Upon Request” from the title and must be submitted to show that the State has implemented the revised requirements in section 466(a)(10) of the Act for States to review and, if appropriate, adjust child support orders in State IV-A cases at least once every three years. This review and adjustment requirement was effective October 1, 2007.
- State plan page 2.12 – 19, Enforcement of Orders for Health Care Coverage, has not been revised but must be re-submitted to show that the State has implemented the revised requirements in section 466(a)(19) of the Act for States to use procedures under which all child support orders enforced under title IV-D of the Act shall include a provision for medical support for a child to be provided by either or both parents. This medical support requirement was effective December 31, 2005.
- State plan page 3.18, Denial of Passports for Non-Payment of Child Support, has been revised per section 454(31) of the Act to provide that the State has in effect a procedure for certifying to the Secretary of Health and Human Services for passport denial purposes individuals who owe child support arrears of \$2,500. The DRA reduced the arrearage amount that triggers a passport denial from \$5000 to \$2500. This passport denial provision was effective October 1, 2006.

A State must submit these pages by March 31, 2008 unless State legislation is necessary and the State has not completed its first regular session of the State legislature beginning after February 8, 2006. In the case of a State that has a two-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature. If the State has not completed its first such session, it must submit the pages by three months after the first day of the calendar quarter after the close of the session.

Even if a final rule has not been published on a specific provision, a State is required to implement the provision in accordance with the statutory language by the appropriate effective date that applies to each State and to submit the appropriate State plan page. A State will not be penalized for procedures it implements that are reasonable and consistent with the statutory language. Once a final regulation is published, a State will be given time to make any necessary

changes to its procedures and to resubmit a State plan page to indicate compliance with regulatory requirements.

The DRA also made changes to section 457 of the Act regarding distribution of child support payments. OCSE will issue an Action Transmittal in 2008 regarding the new State plan requirements related to the distribution amendments.

RELATED REFERENCES: AT-07-01, AT-06-01, AT 05-06, AT 04-01, AT 04-06, AT-03-05, AT-00-10, DCL-06-28, DCL-06-16

ACTION REQUIRED: Submit State plan pages 2.5 – 4, 2.12 -10, 2.12 – 19 and 3.18 to the appropriate Regional Office according to the instructions specified in this AT.

INQUIRES TO: ACF OCSE Regional Program Managers



Margot Bean
Commissioner
Office of Child Support Enforcement

cc: Tribal IV-D Directors

State _____

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.5-4 Services to Individuals

§§454 (6) (B) and 457
(a) (3) of the Act

6. Mandatory Annual Fee Applicable to IV-D Cases
for Individuals Who Have Never Received IV-A
Assistance

The State shall impose an annual fee of \$25 for each
case that receives IV-D services and meets both of the
following two criteria:

1. the individual receiving IV-D services has
never received assistance under a State program
funded under title IV-A of the Act.
2. the State has collected at least \$500 of support
during the year.

The State shall impose the annual \$25 fee and the fee
will be collected by one or more of the methods below.
The fee shall be:

- Retained by the State from support
collected on behalf of the
individual (but not the 1st \$500 collected)
- Paid by the individual applying for
services
- Recovered from the absent parent
- Paid by the State out of its own funds

If the State elects to pay the mandatory \$25 annual fee out of
its own funds, that payment shall not be considered an
administrative cost of the State for the operation of the plan.

The mandatory \$25 annual fee shall be considered income to
the State's IV-D program.

TN# _____ Approval Date _____ Effective Date _____

State _____

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and
466(a)(10) and (d)
of the Act

2.12 Procedures to Improve Program Effectiveness

10. Review and Adjustment of Child Support Orders

The State has in effect laws requiring the use of procedures For Review and Adjustment of Child Support Orders in accordance with 466(a)(10).

The Secretary has granted the State an exemption from the requirements for laws or use of procedures for review and adjustment of support orders in accordance with §466(d).

TN# _____ Approval Date _____ Effective Date _____

2.12-10

State _____

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§ 454(20) and
466(a)(19) and (d)
of the Act

2.12 Procedures to Improve Program Effectiveness

19. Enforcement of Orders for Health Care Coverage

The IV-D agency has in effect laws requiring the use of procedures for enforcement of orders for health care coverage in accordance with §466(a)(19).

The Secretary has granted the State an exemption from the requirement for enforcement of orders for health care coverage in accordance with §466(a)(19).

TN# _____ Approval Date _____ Effective Date _____

2.12-19

State _____

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.18 Denial of Passports for Non-Payment of Child Support

§454(31) of the Act

The IV-D agency has procedures for certifying to the Secretary that individuals who owe arrearages of child support in an amount exceeding \$2,500 are subject to being denied a passport or having a passport revoked, restricted, or limited that was previously issued to such individual, in accordance with §452(k) of the Act; and that individuals who owe arrearages exceeding \$2,500-

- are afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and
- the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.

TN# _____ Approval Date _____ Effective Date _____