



DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**ACTION TRANSMITTAL**

**AT-08-14**

**DATE:** DEC 22 2008

**ATTACHMENT:** State plan page 2.8  
State plan page 2.15  
State plan page 3.11

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

**SUBJECT:** Resubmission of State Plan Pages to Indicate Compliance with Medical Support Final Rule

**BACKGROUND:** 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 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.

Title VII of the Deficit Reduction Act of 2005 (DRA of 2005) made a number of amendments to sections 452 and 466 of the Social Security Act (the Act) which require States to either establish new or modify existing laws or procedures. OCSE-AT-08-01 required States to submit State plan preprint page 2.12-19 by March 31, 2008, certifying compliance with the State law requirement in section 466(a)(19) of the Act, under which all support orders issued in IV-D cases will include a provision for medical support to be provided by either or both parents. States must resubmit plan preprint pages 2.8, 2.15, and 3.11 to certify compliance with certain Federal medical support regulations which were amended by a Final Rule published in the Federal Register on July 21, 2008 (73 FR 42416) and disseminated via OCSE-AT-08-08.

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

- State plan page 2.8, Medical Support Enforcement Activities, has not been modified but must be resubmitted to certify that the State has implemented the revised regulations set forth in 45 CFR Parts 303.30, 303.31, 303.32, and 302.80.
- State plan page 2.15, Federal and State Reviews and Audits, has been revised to add a reference to 45 CFR Part 308 and must be resubmitted to show that the State has implemented the revised requirements in 45 CFR 308.2(e), which expands the State self-assessment with respect to medical support requirements. In addition, the title of the preprint has been changed to Annual State Self-Assessment Review and Report, which more accurately reflects the State plan requirement.
- State plan page 3.11, Guidelines for Setting Child Support Obligations Within the State, has not been revised, but must be resubmitted to show that the State has implemented the revised requirements in 45 CFR 302.56 (c)(3), which requires States to have guidelines for setting child support awards, which address how the parents will provide for the child(ren)'s health care needs through health insurance coverage and/or through cash medical support in accordance with 45 CFR 303.31.

The effective date for the Medical Support Final Rule was July 21, 2008. States should resubmit plan preprint pages 2.8, 2.15, and 3.11 as soon as possible.

**RELATED REFERENCES:** Sections 452(f) and 466(a)(19) of the Act, 45 CFR Parts 302, 303, and 308, AT-03-05, AT-06-01, AT 08-01, AT-08-08

**ACTION REQUIRED:** Resubmit State preprint pages 2.8, 2.15 and 3.11 to the appropriate ACF Regional Office according to the instructions specified in this Action Transmittal.

**INQUIRIES 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

2.8 Medical Support Enforcement Activities

§§ 452(f) and  
466(a)(19) of the Act;  
45 CFR 302.80

The IV-D agency performs required medical support enforcement activities, in accordance with 45 CFR 303.30, 303.31, and 303.32.

The IV-D agency performs optional medical support enforcement activities under a cooperative agreement with the State Medicaid agency, in accordance with 45 CFR 302.80.

No

Yes

TN# \_\_\_\_\_ Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_

State \_\_\_\_\_

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(15) of the Act  
45 CFR 308

2.15 Annual State Self-Assessment Review and Report

Effective October 1, 1997

- The State has a process for conducting annual reviews and furnishing reports to the Secretary on the State program under the State IV-D plan, including such information as may be necessary to measure State compliance with Federal requirements for expedited procedures, using such standards and procedures as the Secretary requires, under which the IV-D agency will determine the extent to which the program is operated in compliance with title IV-D, in accordance with §454(15).
- The State has a process for extracting from the automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment and rates of improvement with respect to applicable performance indicators.

TN# \_\_\_\_\_ Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_

State \_\_\_\_\_

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.11 Guidelines for Setting Child Support Obligations Within the State

§467 of the Act;  
45 CFR 302.56

1. Effective October 13, 1989, the State IV-D agency has presumptive guidelines for setting child support obligations and procedures for making the guidelines available to the public in accordance with §302.56.
2. The State reviews its guidelines, at least once every four years, in accordance with 302.56.

ATTACHMENT 3.11A is a copy of the guidelines.

TN# \_\_\_\_\_ Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_