



NCCSD

*National Council of
Child Support Directors*

2020 President's Report

Jim Fleming, President

July 28, 2020



TO: NCCSD
FROM: Jim Fleming, NCCSD President
DATE: July 28, 2020
RE: Annual President's Report

It seems appropriate that NCCSD is holding its annual business meeting virtually for the first time, since this seems like a year full of unique circumstances.

In reviewing our Council by-laws for this meeting, the purposes of our organization resonated as having particularly relevance this year:

- A. To promote the development of legislation and/or policies which will have a positive effect upon the Title IV-D Child Support Program and upon the operation of the Uniform Interstate Family Support Act or similar acts in the several states and foreign nations;
- B. To provide a forum for State IV-D Child Support Directors to discuss common problems and solutions associated with program administration, interstate and international cooperation, federal-state-local relations, and other matters as deemed important;
- C. To provide a structured medium for communicating with federal agencies the views, opinions or consensus of the Council on selected issues, and for maintaining a continuing dialogue with federal agencies on matters of concern or interest to the Council;

The comradery and communication among our Council members in the last five months has strengthened all of us and allowed us to share vital information and best practices to maintain program quality and services to family.

The year started in October 2019 with an ambitious agenda, and much of it remains to be done because of the pandemic. Under the adage "making lemonades out of lemons," I am hopeful the current pandemic and operational challenges we have faced can lead to long-term program improvements.

Below is a meager effort to summarize the highlights of the last 10 months for NCCSD:

- Aspen Institute conducted a survey on program operations (please note the Wednesday agenda item for Vicki Turetsky to address our group).

- An upcoming rulemaking, first revealed at WICSEC in 2019 in the director luncheon, will create two exceptions to the requirement to undertake a review when a parent is incarcerated for more than six months: incarceration for willful failure to pay child support and incarceration for a crime against the child.
- Existing waivers and exemptions were collected to help exchange best practices and promote program innovation and flexibility.
- OCSE invited states to participate in a passport revocation pilot project.
- Beginning in December 2019, a number of child support bills were introduced, and several others were rumored to be in the works. Topics include new hire reporting of independent contractors, full faith and credit for levies on bank accounts (to complement the existing requirement to give full faith and credit to bank account liens), direct tribal access to federal offset services, federal financial participation (FFP) for employment services, and authority to use incentive funds for parenting time efforts without need for a federal waiver.
- Concern was expressed that changes to withholding using the revised W-4 may reduce tax offset collections in the future.
- In February, cracks began to emerge in the relationship between OCSE and NCCSD regarding two previous understandings: the “agree to disagree” commitment for audit findings based on ambiguous provisions of law or rule, and the agreement to give NCCSD a heads-up for upcoming guidance. OCSE agreed to do better (and in that regard, has appeared successful).
- A long-term effort (Seattle 2017) to obtain clarity on the job duties of OCSE regional representatives was stymied when OCSE refused to provide much information about job duties and expectations and instead offered to troubleshoot any problems that states may encounter.
- NCCSD signed-on to a letter by APHSA to Work Number expressing concerns about costs and structure of its employment locate service.
- The COVID-19 pandemic became a dominant consideration in March. Deputy Commissioner Linda Boyer addressed NCCSD and expressed a desire to ensure directors aren’t worried about things they don’t need to be worried about.
- April guidance was issued reiterating the requirement that states report all delinquent obligors for federal offset purposes.
- Aspen Institute started communicating with state governors on ways to use economic impact payment offset funds that may be retained by states.
- In April, the NCCSD Executive Committee agreed that the annual in-person meeting in Medora needed to be cancelled or at least postponed until 2021. All deposits have been refunded in full.
- In May, OCSE rejected an argument submitted by several states on the interpretation of the FMAP rate increase in the CARES Act.

- Research and discussion occurred on distribution of federal tax refund offsets and whether the distribution options in current law need updating.
- NCCSD decided to demand a meeting with ACF Assistant Secretary Lynn Johnson to air grievances and concerns over OCSE's inactivity since the pandemic began. The meeting was convened quickly, and led to a recent follow-up letter with more details to Assistant Secretary Johnson.
- The OCSE technical corrections rule was finalized and backed-off of the broad new interpretation of "concurrent benefits" to which NCCSD objected.
- OCSE opened the door to a process where certain timeframes and requirements can be waived. States and OCSE worked to exchange information about waivers that were requested and approved.
- NCCSD committed up to \$30,000 to retain the Urban Institute to update cost avoidance data for the child support program. Negotiations are pending.
- Incentive payments were delayed due to a disagreement within HHS on the appropriate rate of inflationary increase to the incentive pool.
- OCSE Deputy Commissioner announced the creation of a national pandemic workgroup. NCCSD will co-facilitate.
- OCSE originally expressed commitment to waive PEP penalties for 2020 and 2021, but later said it could not do so.
- NCCSD adopted a pandemic position paper which was shared with staff for the appropriate Congressional committees.

Please see the secretary's report for a complete list of our official actions for the year.

In my ten years as a state director, I have never seen this much activity or communication among the directors. To those who share my aversion to "reply all" and unnecessary e-mail, I apologize for the unprecedented number of e-mail. I have tried to be a good conduit of information, and erred on the liberal side of sharing what I learn or hear on behalf of all directors.

It has been an honor to be your Council president this year, and I am blessed for such supportive fellow officers and friends in Michele, Kate, and Liesa. And the wonderful ear that my predecessor Erin has when I need it. For each e-mail I send, inevitably one of you sends me a reply with gratitude for the effort, and I appreciate it. We make a great unified team of 54 dedicated professionals!

Respectfully Submitted,

Jim

Jim Fleming
NCCSD President 2019-2020