



NCCSD

*National Council of
Child Support Directors*

2021 President's Report

Jim Fleming, President

July 19, 2021



TO: NCCSD
FROM: Jim Fleming, NCCSD President
DATE: July 19, 2021
RE: Annual President's Report

It probably goes without saying that the pandemic has continued to have significant impact on state programs and directors. I am thankful for the vaccines and the ability to have our annual meeting in person. It will be a welcome relief to see each other after so long. Although the workload of the year so far is not typical, it appears to me like a possible gap is emerging between what we would like to accomplish as an organization and what we can accomplish as a volunteer organization of very busy people.

Below are some highlights of the last 10 months for NCCSD:

- Our meeting with Assistant Secretary Johnson did not yield much in the way of results. As we all know, we have gone more than a year without an OCSE Commissioner. From nearly three years of monthly meetings with OCSE, both before and after the previous commissioner left, there seems to be a practical limit on what OCSE provides in the way of guidance or policy decisions in the absence of a commissioner.
- A large group of interstate experts provided comments on OCSE's draft Action Transmittal on intergovernmental case processing. The final AT did not adopt all of NCCSD's comments, but the AT was accompanied by a response from OCSE to some of the comments. This response was helpful because it explained OCSE's position and thought process regarding current regulations. I think it will guide NCCSD to suggest changes to existing regulations.
- OCSE attempted to form a resilience workgroup, but later we mutually agreed that the effort would be postponed indefinitely. It seemed to me that the effort, which did not involve NCCSD as an organization, revealed a difference between the operational side of OCSE which works with one state at a time and a commissioner who works with NCCSD at a national level.
- NCCSD adopted an extension to its pandemic impact paper in the specific area of retroactive modifications.
- In September, the Strengthening Families for Success Act was introduced, which was a catalyst for a lot of conversation on the role (or lack thereof) of retained

collections in the current IV-D program, whether referrals from IV-E should be refined, and the pros and cons of PRWORA and DRA distribution.

- Offsets of Economic Impact Payments continued to challenge states. Many states knew there were offsets stemming from EIPs to joint filers where the injured spouse portion of the offset had yet to be reversed. Eventually, IRS acknowledged it had underestimated the number of such cases and agreed it would not initiate further reversals.
- NCCSD compiled suggested changes to OCSE's guide for amending child support orders. Many of these changes were incorporated in the final update.
- States, through NCCSD, shared best practices for Stafford Act Waiver requests.
- NCCSD monitored the various Congressional proposals for stimulus payments to find clarity on whether such payments would be subject to offset, and when it made a difference if the payment was made independently or claimed as a credit on a person's annual tax return.
- NCCSD continued to ask OCSE for PEP relief and successfully obtained a timeline for imposition of penalties based on FY 2020 performance.

Some areas of interest in the last year remain pending:

- The previous administration proposed a rule, supported by NCCSD, to 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. It is unclear whether the new administration will complete the rule.
- Roughly 15 states continue to face a penalty for lack of sufficient performance or improvement in their paternity establishment percentage. OCSE has announced intent to propose a rule change in December 2021, and NCCSD will no doubt need to comment on whatever is proposed.

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

The last two years have been hard for all of us, but I think we have made lasting program improvements as a result of the lessons learned during the pandemic. It has been an honor to serve NCCSD during this time, but I will also be happy to complete the year and join my dear friends Erin, Craig, and Wally as a PAST NCCSD President. Our organization is strong and has a great future.

Respectfully Submitted,

Jim

Jim Fleming
NCCSD President 2019-2020