



STATE OF ARKANSAS
**Department of Finance
and Administration**

Office of Child Support Enforcement

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July 14, 2020

Dana Huckabee, LMSW
Regional Program Manager, Region 6
Office of Child Support Enforcement
Administration for Children and Families
U.S. Department of Health and Human Services
1301 Young Street,
Dallas, Texas 75202

Re: AR Request for Stafford Act Flexibilities
DCL-20-04

Dear Ms. Huckabee:

Pursuant to the Office of Child Support Enforcement (OCSE) DCL-20-04 "Flexibilities for State and Tribal Child Support Agencies during COVID-19 Pandemic," the Arkansas Department of Finance and Administration, Office of Child Support Enforcement (AR OCSE) respectfully submits this request for flexibility in timeframes and relief from certain program requirements.

The enclosed document outlines the specific timeframes and other program requirements for which a modification or a waiver is requested and the revised timeframe. All revised timeframes or requirement waivers are requested to begin on March 11, 2020 and extend until the emergency has ended.

Background and Justification for Flexibility

On March 11, 2020, Executive Order 20-03 was issued by Governor Asa Hutchinson declaring an emergency due to COVID-19. On March 26, 2020, Governor Hutchinson issued Executive Order 20-10 declaring the entire state an emergency disaster area. On May 5, 2020, the emergency was extended for 45 days until June 19, 2020. Executive Order 20-37 was issued on June 18, 2020 extending the emergency an additional 60 days.

The Arkansas child support program has experienced a range of challenges in providing services to its customers during this ongoing pandemic. Beginning in late March and through the end of April 2020, a portion of our staff was placed on administrative leave or were working remotely in an effort to reduce the spread of disease. While the number of AR OCSE employees who have been diagnosed with COVID-19 is thankfully small, throughout this time period and continuing to the present all of our offices have experienced increases in absenteeism as staff members have been quarantined and unable to work due to illness or possible coronavirus exposure of themselves or their family members.

As the emergency has continued and affected state revenue, a hiring freeze has been in place that will prevent hiring for many job vacancies. At the same time, AR OCSE is experiencing a growing case load.

The IV-D case load has increased by just over 10,000 cases since the January 1, 2020 due to Medicaid case referrals. On July 1, 2020, and pursuant to Act 1043 of 2019, AR OCSE in conjunction with the Arkansas Department of Human Services (AR DHS) implemented a cooperation requirement for custodial and non-custodial parents receiving SNAP benefits. Due to AR DHS' lack of historical data, it is difficult to estimate the volume referrals that might be expected for these SNAP recipients. It is anticipated that thousands of SNAP cases could be referred for IV-D services each month and further stretch our limited staff.

As part of AR DHS' response to the pandemic, "good cause" was extended to all TANF and Medicaid recipients to excuse any failure to cooperate with the child support program. While that leniency has ended for TANF recipients, it is anticipated that "good cause" will continue for Medicaid recipients until after the emergency has ended. Because Medicaid cases comprise just over 60% of the Arkansas IV-D caseload, this is a significant impact on operations. Although there may be legitimate pandemic-related reasons for a parent's failure to cooperate, AR OCSE will lack this valuable tool for prompting custodial parents receiving Medicaid to provide information needed for routine case work to proceed.

In addition to these internal challenges, a number of external factors have impacted the ability of the program to continue normal operations. On March 17, 2020, the Arkansas Supreme Court suspended in-person hearings except in very limited circumstances. Beginning on May 18, 2020, in-person hearings were once again permitted but with significant restrictions. Due to the backlog of cases that built up and the continuing limitations in the ability to schedule cases for court hearings, AR OCSE will have difficulty meeting federal time frames related to order establishment, modification, and judicial enforcement for some months to come.

Finally, as many other states have experienced, genetic testing for paternity establishment has been difficult in most areas of the state. Changes in US Postal Service practices affecting service of process by certified mail are a continuing problem and temporary closures of some process service vendors have substantially delayed getting legal notices to customers. The inability to conduct routine paternity testing and to obtain timely service of process further impedes the ability of AR OCSE to meet timeframes for establishment, modification and enforcement of support.

Thank you for your consideration of this background information and the requests for relief described in the enclosed document.

Sincerely,



Barbara Morris-Williams

Interim Administrator/IV-D Director

barbara.morris-williams@ocse.arkansas.gov

Enc.

Arkansas DFA, Office of Child Support Enforcement
Request for Stafford Act Flexibilities

(Areas shaded in blue are from the examples provided in DCL-20-04 although some timeframes have been adusted.)

Criteria	Description	Statute/Regulation	Current Requirement	Flexibility
State Plan	Payment disbursement within 2 business days.	454B (c) (1) 302.32(b)(1), (2)(i), and 2(ii)	2 Business Days	5 business days for fully electronic processes and 10 business days if manual processes are required.
Paternity and Support Order	Establish orders or complete service of process within 90 calendar days of locate.	303.4(d)	90 Calendar Days	180 Calendar Days
Enforcement	Take enforcement action within 30 calendar days of delinquency.	303.6(c)(2)	30 Calendar Days	90 Calendar Days
Enforcement	Take enforcement action within 60 calendar days of delinquency when service of process is necessary.	303.6(c)(2)	60 Calendar Days	180 Calendar Days
Interstate	Make Intergovernmental referrals within 20 calendar days.	303.7(c)(4)(i),(ii)	20 Calendar Days	40 Calendar Days
Interstate	Take specified actions within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry.	303.7(d)(2)(i), (ii), and (iii)	75 Calendar Days	150 Calendar Days
Interstate	Within 10 working days of locating the noncustodial parent in a different State, return forms, or, if directed, forward/transmit forms to noncustodial parent's state	303.7(d)(3)	10 Working Days	30 Working Days
Interstate	Forward/transmit forms within 10 working days of locating the noncustodial parent in a different political subdivision within the State.	303.7(d)(4)	10 Working Days	30 Working Days

Interstate	File the controlling order determination request within 30 calendar days.	303.7(d)(5)(i)	30 Calendar Days	60 Calendar Days
Interstate	Notify appropriate jurisdictions of the controlling order determination and any reconciled arrearages within 30 calendar days.	303.7(d)(5)(ii)	30 Calendar Days	60 Calendar Days
Interstate	Within 10 working days of receipt of instructions for case closure, stop responding state income withholding and close interstate case.	303.7(d)(9)	10 Work Days	20 Work Days
Review and Adjustment	Provide notice (of the right to request review of the order) within 15 business days when learning of noncustodial parent incarceration of more than 180 calendar days.	303.8(b)(7)(ii)	15 Business Days	30 Business Days
Income Withholding	Issue the income withholding order (IWO) notice to the employer within 2 business days.	303.100 (e)(2), 303.100 (e)(3), 454A(g)(1)(A)(i), 466, 453A (g) (1)	2 Business Days	5 business days for fully electronic processes and 14 business days if manual processes are required.
Systems	The statewide system must transmit IWO orders and notices to employers and other debtors within 2 business days.	307.11 (c) (1) (i)	2 Business Days	5 business days for fully electronic processes and 14 Business days if manual processes are required.
Case Initiation	Send an application for IV-D services within no more than 5 working days of request if received by telephone or in a record.	45 C.F.R. § 303.2(a)(2)	5 Working Days	10 Calendar Days
Case Initiation	Open a case by establishing a case record and determine necessary action within 20 calendar days of receipt of referral or applicaton for services.	45 C.F.R. § 303.2(b)	20 Calendar Days	30 Calendar Days

Locate	Access locate sources and ensure sufficient locate information within 75 days of determining that location is necessary.	45 C.F.R. § 303.3(b)(3)	75 Calendar Days	90 Calendar Days
Paternity Acknowledgement	Provide training regarding voluntary paternity acknowledgement services to hospitals, birth record agencies, and other participating entities.	45 C.F.R. § 303.5(g)(6)	Time frame not stated	Request waiver of training requirement until the first business day following the end of the State's Emergency Declaration ordered by the Governor.
Intergovernmental	Provide responding state updated intergovernmental form and additional documentation within 30 calendar days of receipt of a request.	45 C.F.R. § 303.7(c)(6)	30 Calendar Days	40 Calendar Days
Expedited Process	Complete action to establish support within stated time frames from the date of service of process.	45 C.F.R. § 303.101(b)(2)(i)	75% within 6 months, 90% within 12 months	75% within 9 months, 90% within 15 months
Expedited Process	Take enforcement actions with the timeframes specified in §§ 303.6(c)(2) and 303.100.	45 C.F.R. § 303.101(b)(2)(ii)	Enforcement action within 30/90 calendar days and issue IWO within 2 business days	Enforcement action within 90/180 calendar days and IWO issued within 5 business days for electronic process and 10 days business days for manual processes.
State Plan	IV-D agency responsible cooperation for determination for applicants or recipients of benefits under IV-A, IV-E, Title XIX, or SNAP benefits.	42 U.S.C. 654 § 654(29)	State responsible for determination of non-cooperation by beneficiaries of identified programs and communicating to the appropriate state agency.	Request hold state harmless from non compliance with non cooperation determination requirement until the first business day following the end of the State's Emergency Declaration ordered by the Governor.