

California Department of Child Support Services (DCSS) OCSE Stafford Act Flexibilities Request Form Attachment

Other Modification or Waiver Being Requested

1. TANF block grant penalty of 1%-2% for SW PEP dropping below 90% without a second-year gain of either two percentage points or a return to 90%
2. Submission of mandatory Child Support Enforcement Annual Data Report (OCSE-157 report) from 10/30/2020 to 12/31/2020
3. Submission of final revisions to OCSE-157 report from 12/31/2020 to 03/31/2020
4. Submission of the associated Audit Case Listing (ACL) by the 10th Business Day in the following calendar year from 1/15/2021 to 04/14/2021
5. Compliance with Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM) Final Rule guidelines for setting child support orders and establishment of support obligations regulations from September 2022 to September 2024
6. Exempt California's IV-D agency from FMAP increases for the duration of the declared COVID-19 emergency

Statutory or Regulatory Citations

- 1-4. 45 CFR 305.0-305.66
5. 45 CFR 302.56, 45 CFR 303.4
6. 42 USC 657 (Section 457)

Reason for Request

Items from the checklist:

303.6(c)(2): The proposed timeline would be an increase from 30 Calendar Days to 120-180 days. California paused bank levies in mid-March 2020, and state license match suspensions (including drivers license suspensions) beginning April 2020. Lifting the pause effective July would already require 90 to 120 days flexibility. The economic impact of Covid-19 to date, and the risk for further spread of infection as California reopens suggests that additional flexibility may be required.

303.6(c)(2): The proposed timeline would be an increase from 60 Calendar Days to 180 Calendar Days. Due to manual intervention needed to serve NCPs while observing office closures, shelter in place, and physical distancing, flexibility is requested.

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Items not on the checklist:

1. Requesting a waiver of the 90% threshold for FFY 2020. SW PEP is dropping in California (and presumably nationwide) because we are unable to establish paternities effectively due to novel coronavirus. For several months, biological fathers have not been allowed in the hospital for the birth of their child. If the biological father cannot enter the hospital, this causes barriers to signing a voluntary Parentage Opportunity Program declaration form. In addition, the California Courts have been closed for several months. This creates a barrier in being able to establish paternities via court order adjudications.
2. The proposed timeline would be a 60 Calendar Day extension (12/31/2020) to submit the initial OCSE-157 report. Due to COVID-19, courts in California have been closed since March 2020. DCSS is requesting additional time to capture late entered orders that have been delayed due to court closure. There may be a backlog of adjudicated orders to establish paternity that could potentially count on Line 16 to help improve SW PEP for the FFY 2020 report period.
3. The proposed timeline would be a 90 Calendar Day extension (3/31/2021) to submit the final revisions to the OCSE-157 report. DCSS is requesting additional time to submit a revised OCSE-157 to allow for any corrections to the initial report. This request is dependent on the extension of the due date for the Initial OCSE-157 report.
4. The proposed timeline would be the 10th Business Day following the revised due date for final revisions (4/14/2021). DCSS is requesting additional time to submit the ACL file 10 Business Days after the proposed due date for the revised OCSE-157 report. This request is dependent on the extension of the due date for the Revised OCSE-157 report.
5. The proposed timeline would be a compliance deadline of September 2024. Earlier this year, DCSS worked with the California Legislature to propose Assembly Bill (AB) 3314 which would have amended our presumed income statutes to permit for individualized adjustment pursuant to the FEM Final Rule. Because AB 3314 will not pass this year due to the current COVID-19 pandemic, DCSS is requesting a two-year extension of the compliance date of the new guideline and establishment regulations. Our state's government has already acknowledged the COVID-19 pandemic will impact California for the next several years. Because of this, our bill may not pass during the next legislative session, which is a two-year session in California (2021-2022). Once the bill does pass, DCSS would need to work with our judicial partners, the Judicial Council of California (JCC), to update the forms utilized for court processes. The Legislature routinely grants JCC one year to perform this function. Per Rule of Court, we then have six months to update our statewide system with these new forms. DCSS would also need to update and implement child support program policies and procedures related to

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presumed income which will likely require additional extensive automation changes. This request is dependent on the passage of state statute related to presumed income.

6. Revenue from the Federal Medical Assistance Percentages (FMAP) is an essential part of Child Support Operating Budget and ensures the day-to-day activities continue within the department. Every single dollar in revenue, as projected prior to the COVID-19 Disaster is important to ensure that California's IV-D Program is funded adequately to meet the needs of our customers.