



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Child Support Enforcement | 330 C Street, S.W., 5<sup>th</sup> Floor  
Washington, DC 20201 | [www.acf.hhs.gov/css](http://www.acf.hhs.gov/css)

July 31, 2020

David Kilgore Jr., Director  
CA Department of Child Support Services  
PO Box 419064 – MS10  
Rancho Cordova, CA 95741-9064

Dear Director Kilgore:

On July 2, 2020, OCSE received your request for flexibility under the Stafford Act pursuant to DCL-20-04. As a result of the impacts of the COVID-19 pandemic, California requested the following flexibilities:

1. The two business day timeframe set forth for forwarding applicable payments in accordance with 45 CFR 302.32(b)(1), (2)(i), and (ii) be extended to five business days for fully electronic payments, and 10 business days when manual processes are required.
2. The 90 calendar day timeframe set forth in 45 CFR 303.4(d) be extended to 180 calendar days.
3. The 30 calendar day timeframe set forth in 45 CFR 303.6(c)(2) be extended to 60 calendar days.
4. The 60 calendar day timeframe set forth in 45 CFR 303.6(c)(2) be extended to 120 calendar days.
5. The 20 calendar day timeframe set forth in 45 CFR 303.7(c)(4)(i) and (ii) be extended to 40 calendar days.
6. The 75 calendar day timeframe set forth in 45 CFR 303.7(d)(2)(i), (ii), and (iii) be extended to 150 calendar days.
7. The 10 working day timeframe set forth in 45 CFR 303.7(d)(3) be extended to 20 working days.
8. The 10 working day timeframe set forth in 45 CFR 303.7(d)(4) be extended to 20 working days.
9. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(i) be extended to 60 calendar days.
10. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(ii) be extended to 60 calendar days.
11. The 10 working day timeframe set forth in 45 CFR 303.7(d)(9) be extended to 20 working days.

12. The 15 business day timeframe set forth in 45 CFR 303.8(b)(7)(ii) be extended to 30 business days.
13. The two business day timeframe set forth in 45 CFR 303.100(e)(2), 303.100(e)(3), 454A(g)(1)(A)(i), and 453A(g)(1) be extended to five business days for fully electronic payments, and 10 business days when manual processes are required.
14. The two business day timeframe set forth in 45 CFR 307.11(c)(1)(i) be extended to five business days for electronic, and 10 business days when manual processes are required.
15. 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.

In accordance with the Stafford Act, the above requested modifications are approved beginning January 20, 2020, and expiring at the end of the major disaster declaration for your jurisdiction.

The following additional requests cannot be approved at this time as they are not administrative program requirements that can be waived or held harmless under the Stafford Act authority.

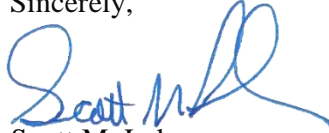
1. The request to waive TANF block grant penalties for paternity establishment percentage dropping below 90% without a second year gain of either two percentage points or a return to 90% as required in Section 409(a)(8) of the Social Security Act
2. The request to exempt California from the FMAP increase for the duration of the declared COVID-19 emergency.
  - Section 6008 of the Families First Coronavirus Response Act (FFCRA) provides a temporary 6.2 percentage point increase to each qualifying state and territory's FMAP under section 1905(b) of the Social Security Act, effective January 1, 2020, until the public health emergency ends. Since the child support program non-federal share rate for retained collections is derived from the regular Medicaid matching rate through cross-reference to section 1905(b) of the Act, the new FMAP enhancement also applies to the child support program. This increase in the FMAP rate of the non-federal share for the child support program corresponds with the TANF program's eligibility for the FMAP increase under FFCRA, as FFCRA does not exempt either program from the increase. The FMAP increase also applies to the state Medicaid, CHIP, IV-E, and child care programs providing economic relief to the state overall.

The following additional requests cannot be approved. Because waiver or extension of these activities would impact the financial requirements of the program, they are not considered administrative conditions eligible for waiver or extension under the Stafford Act. These requests could impact completion of the audit cycle and timing of incentive awards to all states and territories.

1. Submission of mandatory Child Support Enforcement Annual Data Report (OCSE-157) from 10/30/2020 to 12/31/2020.
2. Submission of final revisions to the OCSE-157 report from 12/31/2020 to 3/31/2021.
3. Submission of the associated Audit Case Listing (ACL) by the 10<sup>th</sup> business day in the following calendar year from 1/15/2021 to 4/14/2021.

Please maintain communication with your Regional Program Manager regarding the status of your state's major disaster declaration. If you have any questions concerning the approved request or need technical assistance, please contact Elise Wing at [Elise.Wing@acf.hhs.gov](mailto:Elise.Wing@acf.hhs.gov).

Sincerely,



Scott M. Lekan  
Acting Commissioner

cc: Elise Wing, OCSE Regional Program Manager, Region 9  
Melissa Johnson, Director, OCSE Division of Regional Operations  
Yvette Riddick, Director, OCSE Division of Policy and Training