



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Child Support Enforcement | 330 C Street, S.W., 5th Floor
Washington, DC 20201 | www.acf.hhs.gov/css

July 24, 2020

Theodore Mermigos, Jr., Director
Division of Child Support Services
PO Box 11223
Wilmington, DE 19850

Dear Director Mermigos:

On July 8, 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, Delaware 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 365 calendar days.
3. The 30 calendar day timeframe set forth in 45 CFR 303.6(c)(2) be extended to 180 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 180 calendar days.
6. The 75 calendar day timeframe set forth in 45 CFR 303.7(d)(2)(i), (ii), and (iii) be extended to 180 calendar days.
7. The 10 working day timeframe set forth in 45 CFR 303.7(d)(3) be extended to 180 working days.
8. The 10 working day timeframe set forth in 45 CFR 303.7(d)(4) be extended to 180 working days.
9. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(i) be extended to 180 calendar days.

10. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(ii) be extended to 180 calendar days.
11. The 10 working day timeframe set forth in 45 CFR 303.7(d)(9) be extended to 60 working days.
12. The 15 business day timeframe set forth in 45 CFR 303.8(b)(7)(ii) be extended to 365 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, and 10 business days when manual processes are required.
15. The request to waive the annual self-assessment review due for FY 2020 under 45 CFR 308.1(a) and 308.1(e)(2)(iv).

In accordance with the Stafford Act, the above requested modifications are approved beginning March 12, 2020, and expiring at the end of the major disaster declaration for your jurisdiction. We recognize your request asked for an end date of December 31, 2021; however, Stafford Act flexibilities are limited to the time of a state's major disaster declaration, so we've approved it through the end of that declaration. We have not approved the request to waive submission of the self-assessment report for FY 2021 as we do not know if the state's emergency disaster declaration will extend into that reporting period.

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

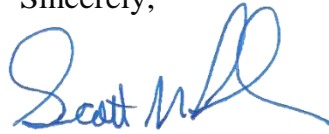
1. The request to waive financial penalties for failure to meet program performance measures in Federal Fiscal Years 2020 and 2021 and reinstitute performance measures at the conclusion and evaluation of Federal Fiscal Year 2022, if necessary.
2. The request to waive financial penalties for failure to meet Data Reliability Audit requirements in Federal Fiscal Years 2020 and 2021 and reinstitute requirements at the conclusion and evaluation of Federal Fiscal Year 2022, if necessary.
3. The request to exempt Delaware's IV-D agency from FMAP increases for the duration of the declared COVID-19 emergency. See additional information about FMAP below:

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.

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 Juanita DeVine at Juanita.DeVine@acf.hhs.gov.

Sincerely,



Scott M. Lekan
Acting Commissioner

cc: Juanita DeVine, OCSE Regional Program Manager, Region 3
Melissa Johnson, Director, OCSE Division of Regional Operations
Yvette Riddick, Director, OCSE Division of Policy and Training