

Brian P. Kemp
Governor

Robyn A. Crittenden
Commissioner



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

June 17, 2020

Jacqueline Mull
Program Director, Region 04
Office of Child Support Enforcement
Administration for Children and Families
61 Forsyth Street, Suite 4M60
Atlanta, GA 30303

RE: Request for Flexibility in Program Requirements

Dear Ms. Mull:

This letter is written in response to DCL-20-04 Flexibilities for State and Tribal Child Support Agencies during COVID-19 Pandemic dated May 28.

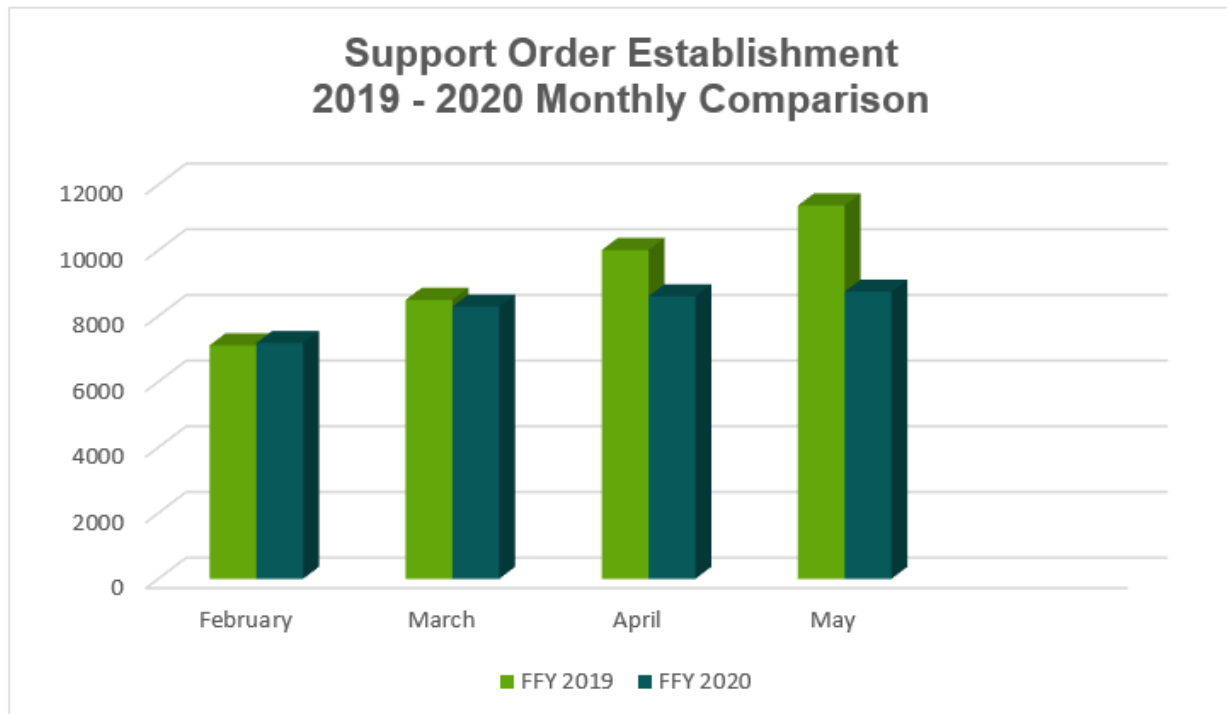
In support of Governor Brian P. Kemp's statewide Executive Order effective March 14 and subsequently extended through July 12, the Department of Human Services (DHS) implemented measures for all divisions and offices to ensure the safety of employees and customers while providing essential services. The Georgia Supreme Court Order Declaring a Statewide Judicial Emergency became effective the same day and was also extended through July 12. The resulting impact severely limited the Division of Child Support Services' ability to proceed with new or complete pending establishment and enforcement actions. Program processes were modified in compliance with these statewide orders to the extent necessary to maintain the safety of employees and the public while continuing to operate the program.

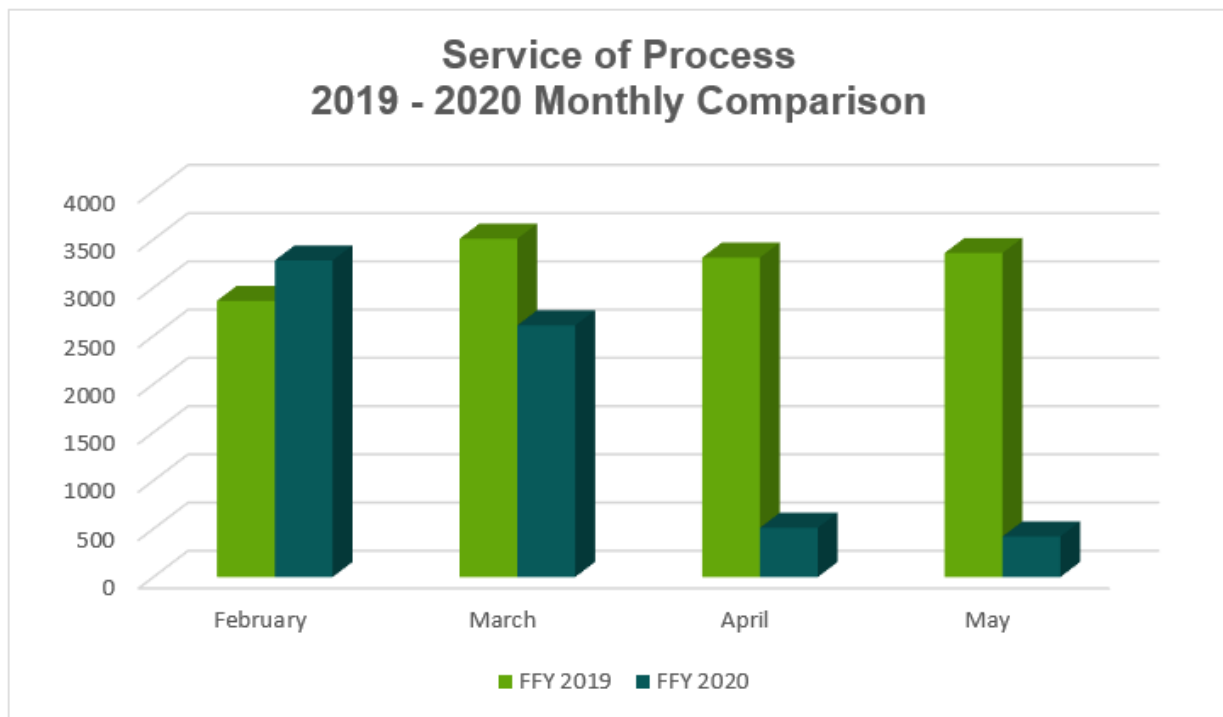
Please accept this letter as a formal request from the Georgia IV-D program to provide flexibility in the program timeframes and performance requirements (waiver for Federal Fiscal Year 2020 and FFY 2021) listed herein.

Establishment of Support Obligations

45 CFR § 303.4(d) Within 90 calendar days of locating the alleged father or noncustodial parent, regardless of whether paternity has been established, establish an order for support or complete service of process necessary to commence proceedings to establish a support order and, if necessary, paternity (or document unsuccessful attempts to serve process, in accordance with the State's guidelines defining diligent efforts under §303.3(c)).

- The number of civil support orders established by consent decreased due to office closures, and the number established by court order decreased due to the Statewide Judicial Emergency.
- The number of administrative support orders established by consent decreased due to office closures and the number established by administrative order decreased due to hearing cancellations between April 1 – 30.
- Few noncustodial parents returned signed consent orders by mail, email, fax or GA DCSS On the Go app.
- The option for electronic signatures and notarizations was unavailable.
- The number of support orders established reduced by 47.32%.
- Service of process reduced by 47.69%.

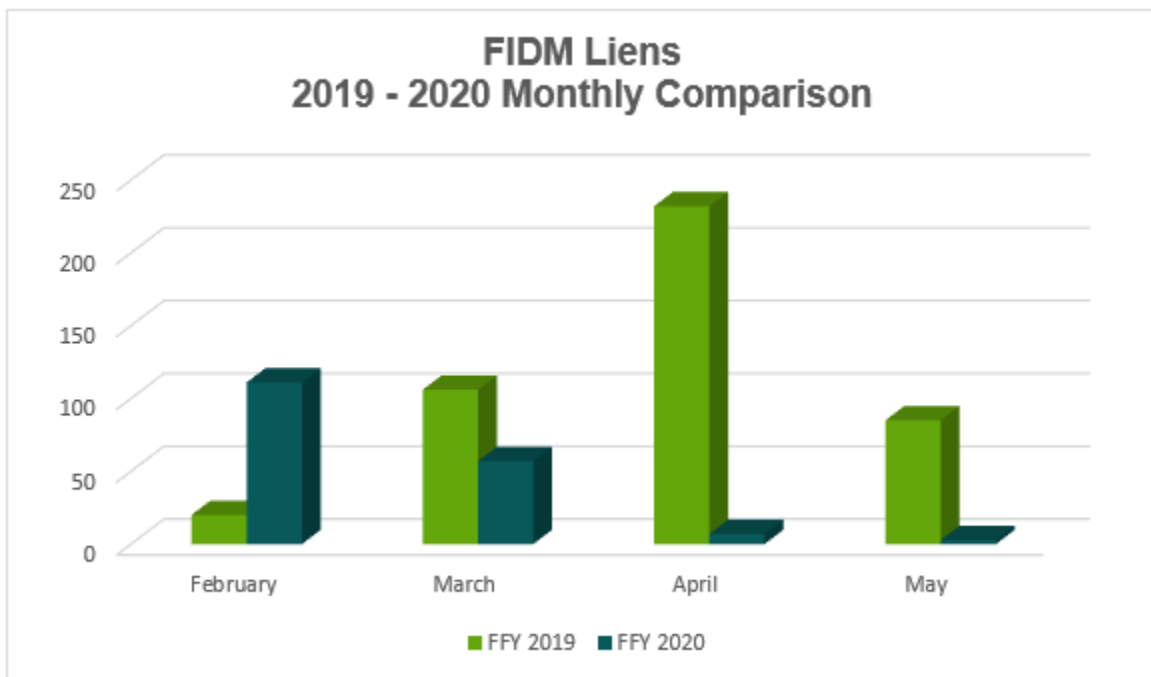




Enforcement of Support Obligations

§ 303.6(c)(2) Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support-related non-compliance with the order or the location of the noncustodial parent, whichever occurs later. If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with the State's guidelines defining diligent efforts under §303.3(c)), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related non-compliance with the order, or the location of the noncustodial parent, whichever occurs later.

- Financial Institution Data Match (FIDM) lien processing was suspended temporarily April 7 – May 26.
 - The Statewide Judicial Emergency limited access to courts; therefore, hearings would have been delayed for an unspecified time period in the event noncustodial parents contested the action.
- The number of civil contempt filings decreased due to office closures and the Statewide Judicial Emergency.
- The option for electronic signatures and notarizations was unavailable.
- Service of process reduced by 47.69%.



Review and Adjustment of Child Support Orders

45 CFR § 303.8(e) Timeframes for review and adjustment. Within 180 calendar days of receiving a request for a review or locating the non-requesting parent, whichever occurs later, a State must: Conduct a review of the order and adjust the order or determine that the order should not be adjusted, in accordance with this section.

- The number of modified support orders decreased due to office closures and the Statewide Judicial Emergency.
- Administrative hearings scheduled between April 1 – 30 were canceled.
- The option for electronic signatures and notarizations was unavailable.
- Service of process reduced by 47.69% (see chart on page 3).

Determination of Applicable Percentages Based on Performance Levels

45 CFR § 305.33(a) A State's paternity establishment performance level for a fiscal year is, at the option of the State, the IV-D paternity establishment percentage or the Statewide paternity establishment percentage determined under §305.2 of this part. The applicable percentage for each level of a State's paternity establishment performance can be found in table 1 of this part, except as provided in paragraph (b) of this section.

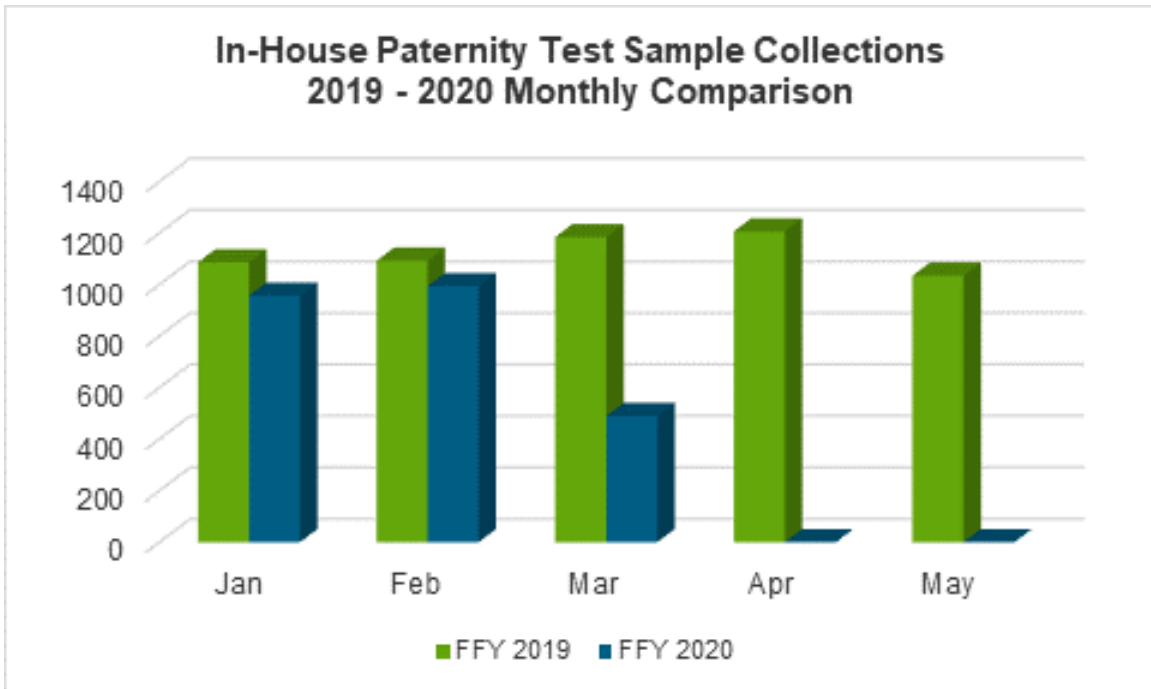
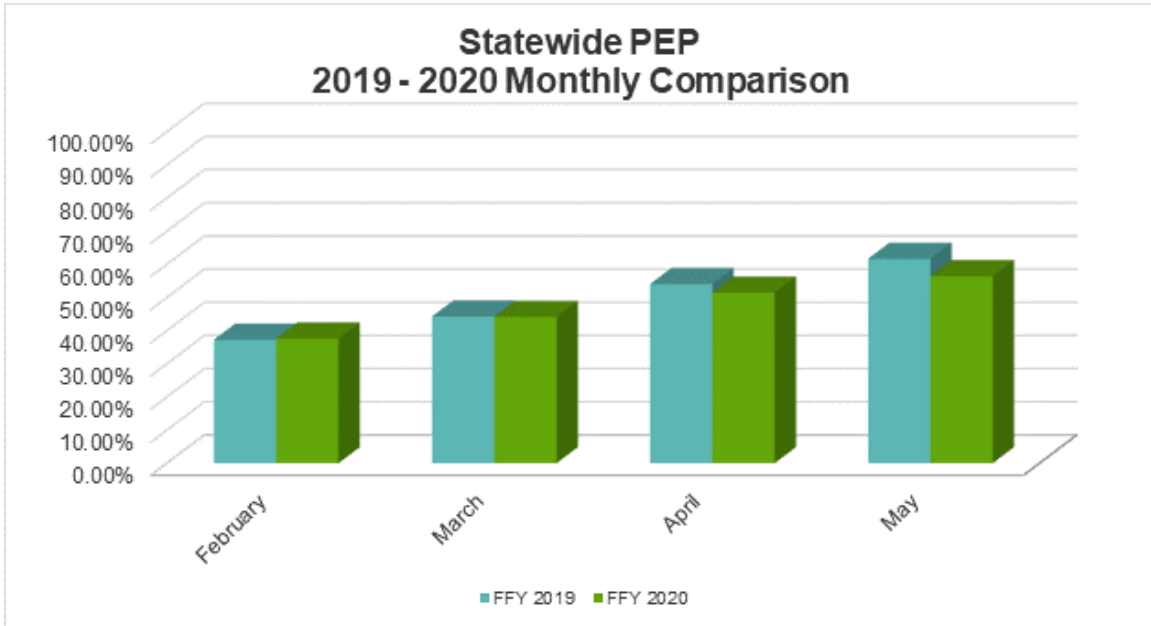
TABLE 1—IF THE PATERNITY ESTABLISHMENT OR SUPPORT ORDER ESTABLISHMENT PERFORMANCE LEVEL IS:

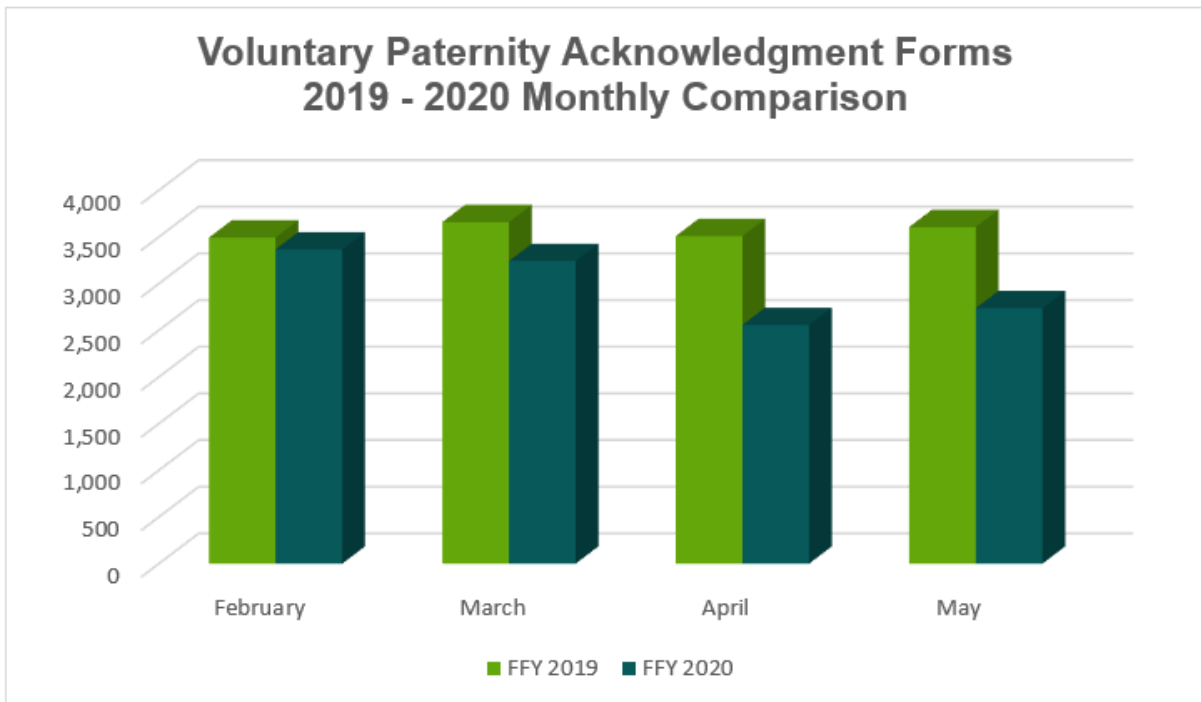
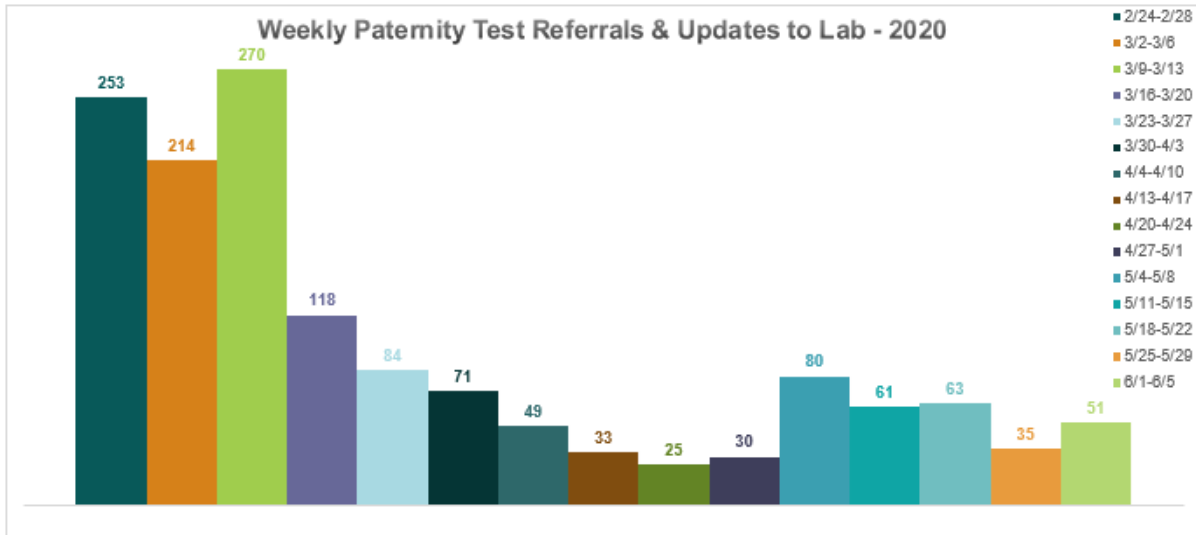
(Use this table to determine the applicable percentage levels for the paternity establishment and support order establishment performance measures.)

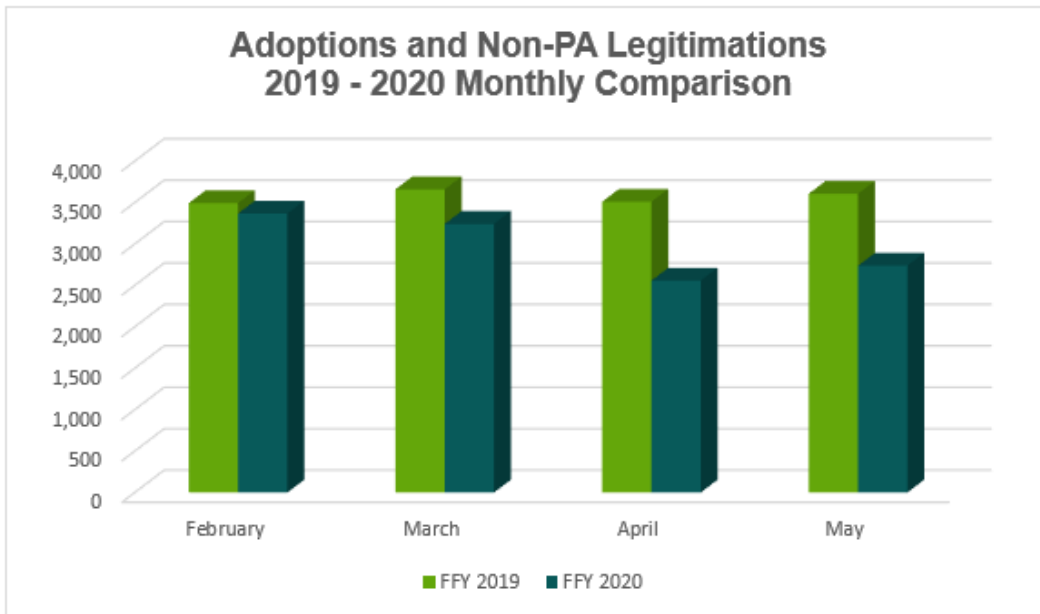
At least: (percent)	But less than: (percent)	The applicable percentage is:
80		100
79	80	98
78	79	96
77	78	94
76	77	92
75	76	90

Georgia reports using the Statewide paternity establishment percentage (PEP)

- In-Office paternity testing was suspended due to safety concerns, and all testing was scheduled and conducted by LabCorp.
- Court dates were suspended; therefore, samples could not be collected by phlebotomists in court.
- Genetic testing orders require signatures prior to submitting referrals to the lab to schedule appointments. Few noncustodial parents returned signed consent orders by mail, email, fax or GA DCSS On the Go app.
- The Prison Paternity Program was suspended; therefore, DCSS is unable to collect samples from incarcerated putative fathers.
- Since March 18, 2020, the State Office of Vital Records has seen a decline in the number of Paternity Acknowledgment (PA) Forms submitted by hospitals due to limitations on the number visitors. There are 82 facilities that currently submit birth records.
 - In some locations, only one person can accompany the mother and must remain with her for the duration of the stay. If that person is not the father of a child born out-of-wedlock, a PA Form cannot be signed in the hospital.
 - Limitations on access may make it difficult for fathers to return to hospitals during core hours when births occur after core hours and on the weekends.
 - Northside Hospital, the single largest facility in Georgia, stopped completing PA Forms at all four of their locations on 03/16/2020. Unmarried fathers are not being allowed to enter the hospitals. The Atlanta location processes approximately 10% of all PAs in the state. The four locations combined process 15% - 17% of PAs statewide.
- There was a decrease in the number of adoptions reported to the State Office of Vital records as a result of the Statewide Judicial Emergency.

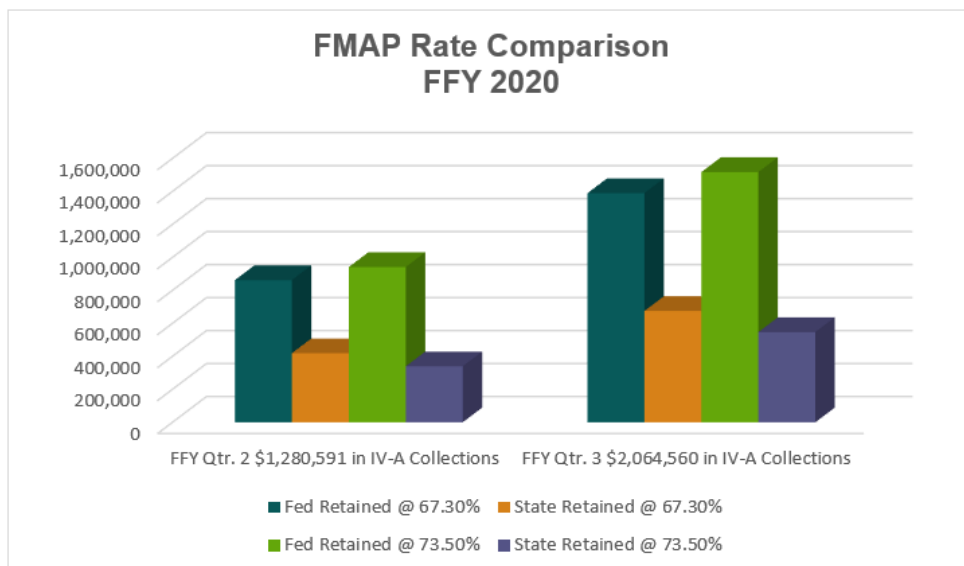






Federal Medical Assistance Percentage (FMAP) Rate

The FMAP rate is used to determine the amount of federal matching for the federal share of child support collections for families who are receiving Temporary Assistance for Needy Families (TANF) and arrearages collected on behalf of former TANF families. The increase in the FMAP rate will result in a decrease in funding retained by the State at a time when the economic downturn resulting from the COVID-19 pandemic necessitates budget cuts.



COVID-19 Pandemic Timeline	
Effective Date	Event
March 1	IV-A Agency Temporary delay in Medicaid sanctions
March 12	DHS implemented telework options for staff
March 14	<ul style="list-style-type: none"> • Declaration of Public Health State of Emergency • Supreme Court’s Judicial State of Emergency Order
March 16	<ul style="list-style-type: none"> • Administrative hearings cancelled March 16 -31 • In-office paternity testing suspended • Suspension or reduction in the Voluntary Paternity Acknowledgment Program
March 18	School Closures to Stop Spread of COVID-19
March 23	COVID-19 Office Protocols - In-person customer consultation by appointment only
March 26	Extended School Closures to Stop Spread of COVID-19 (through April 24)
April 1	<ul style="list-style-type: none"> • Extended School Closures to Stop Spread of COVID-19 (through end of school year) • IV-A Agency Temporary delay in Temporary Assistance for Needy Families (TANF) sanctions
April 3	<ul style="list-style-type: none"> • Executive Order to Ensure a Safe & Healthy Georgia – Shelter in Place • Temporary suspension of Financial Institution Data Match liens
April 4	<ul style="list-style-type: none"> • All DHS buildings closed to the public and staff <ul style="list-style-type: none"> ○ Only authorized staff allowed in buildings to process mail ○ All remaining staff expected to telework
April 6	Order Extending Declaration of Statewide Judicial Emergency (through May 13)
April 30	Renewal of Public Health State of Emergency (extended to June 12)
May 11	Second Order Extending Statewide Judicial Emergency (extended to June 12)
May 14	Executive Order Reviving a Healthy Georgia – Sheltering in Place (extended to June 12)
May 28	Renewal of Public Health State of Emergency (extended to July 12)
June 12	Third Order Extending Statewide Judicial Emergency (extended to July 12)

In response to the aforementioned DCL, Georgia is requesting flexibility to program timeframes in the following areas:

- Establishment of support obligations from 90 to 180 calendar days
- Enforcement of support obligations from 30 to 60 calendar days or 90 calendar days when service of process is required
- Review and modification of child support orders from 180 to 270 calendar days

Additionally, the federal regulation at 45 CFR § 305.62, Disregard of a failure which is of a technical nature, allows the Secretary of the U.S. Department of Health & Human Services to determine that a state subject to a penalty has “**achieved substantial compliance with one or more IV-D requirements, as defined in § 305.63.**” The Secretary must determine that “**the noncompliance with one or more of the IV-D requirements is of a technical nature which does not adversely affect the performance of the State’s IV-D program.**” Therefore, Georgia is requesting disregards for FFY 2020 and FFY 2021 for any failure, as a result of the COVID-19 pandemic, to meet the following minimum performance measures:

- 90% PEP
- 50% in order establishment

Thank you for your review and consideration of this request. If you have any questions or need additional information or clarification, please do not hesitate to contact me at 404-463-0992. I look forward to your response.

Sincerely,

Tanguler Gray

Tanguler Gray

ET

cc: Commissioner Robyn A. Crittenden
Chief of Staff, Gerlda B. Hines
Deputy Commissioner, Ashley Fielding
Chief Financial Officer, R. Demetrius Taylor