



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 24, 2020

Lyndsy Irwin, Director  
Division of Child Support Enforcement  
750 North State Street, Room 706  
Jackson, MS 39202

Dear Director Irwin:

On June 29, 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, Mississippi 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, 10 business days when manual processes are required.
2. The child support guidelines review required under 45 CFR 302.56(e) be extended until August 31, 2022.
3. The 90 calendar day timeframe set forth in 45 CFR 303.4(d) be extended to 300 calendar days.
4. The 30 calendar day timeframe set forth in 45 CFR 303.6(c)(2) be extended to 180 calendar days.
5. The 60 calendar day timeframe set forth in 45 CFR 303.6(c)(2) be extended to 300 calendar days.
6. The 20 calendar day timeframe set forth in 45 CFR 303.7(c)(4)(i) and (ii) be extended to 40 calendar days.
7. The 75 calendar day timeframe set forth in 45 CFR 303.7(d)(2)(i), (ii), and (iii) be extended to 150 calendar days.
8. The 10 working day timeframe set forth in 45 CFR 303.7(d)(3) be extended to 20 working days.
9. The 10 working day timeframe set forth in 45 CFR 303.7(d)(4) be extended to 20 working days.

10. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(i) be extended to 300 calendar days.
11. The 30 calendar day timeframe set forth in 45 CFR 303.7(d)(5)(ii) be extended to 60 calendar days.
12. The 10 working day timeframe set forth in 45 CFR 303.7(d)(9) be extended to 20 working days.
13. The 15 business day timeframe set forth in 45 CFR 303.8(b)(7)(ii) be extended to 30 business days.
14. 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.
15. 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.
16. The timeframe of 75% in six months set forth in 45 CFR §303.101, 303.4, 303.5, and 303.6 be extended to 75% in 12 months.
17. The timeframe of 90% in 12 months set forth in 45 CFR §303.101, 303.4, 303.5, and 303.6 be extended to 90% in 24 months.
18. The 180 calendar day timeframe set forth in 45 CFR §303.8(e) and 466(a)(10)(c) of the Social Security Act be extended to 360 calendar days.

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. We recognize your request asked for an end date of September 30, 2021; however, Stafford Act flexibilities are limited to the time of the state's major disaster declaration, so we have approved it through the end of that declaration.

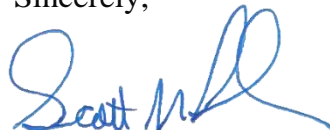
The following additional requests cannot be approved at this time as they are beyond the administrative program requirements that can be waived or held harmless under the Stafford Act authority.

1. The request to waive through September 30, 2021, the paternity establishment, order establishment, and current collections percentages and penalties under 409(a)(8) of the Social Security Act, 45 CFR 305.31(e), 305.40(a), and 305.61.
2. The request to hold the state harmless in the FY 2020 audit for any files that do not include the supporting documentation for parentage data.

- Historically, Mississippi chose the option of reporting the IV-D paternity establishment percentage. While OCSE cannot hold a state harmless for documentation of parentage, OCSE will consider other supporting documentation beyond a birth certificate or Affidavit of Paternity that may exist in the case file.
3. The request to expand the two business day timeframe set forth for forwarding payments applicable in accordance with 45 CFR 302.32(b)(1), (2)(i), and (ii) be extended to six months if payments are received from the IRS/Bureau of Fiscal Service or 20 days from the date federal guidance is received regarding stimulus payments.
- The [Stafford Act](#) requires that the state’s need for flexibility for an administrative program requirement is due to the COVID-19 major disaster. The request to delay distribution of economic impact payments (EIP) is not directly connected to COVID-19. While the EIP itself was authorized by Congress due to the major disaster (in an effort to provide economic relief to tax filers that have lost jobs or income due to the pandemic), the issues brought up regarding disbursement of the collection are due to Treasury’s process for disbursing the EIP.
  - Application of the Stafford Act waiver is not necessary to assist Mississippi with this issue. The EIP was paid as a tax refund and offset for child support under OCSE and Treasury/Bureau of the Fiscal Service regulations. Mississippi can delay disbursement of the refund provided the state follows the procedures set forth in 31 CFR 285.3 as described in [AT-16-03](#) and [DCL-11-17](#) requiring:
    - The tax refund offset must be referred to Treasury for investigation.
    - The delayed distribution period cannot exceed six months.
    - The state must clearly document on its system the reason the payment was held.

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 Jacqueline Mull at [Jacqueline.Mull@acf.hhs.gov](mailto:Jacqueline.Mull@acf.hhs.gov).

Sincerely,



Scott M. Lekan  
Acting Commissioner

cc: Jacqueline Mull, OCSE Regional Program Manager, Region 4  
Melissa Johnson, Director, OCSE Division of Regional Operations  
Yvette Riddick, Director, OCSE Division of Policy and Training