



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 13, 2020

Karen Herbert, Director
Bureau of Child Support Services
129 Pleasant Street
Concord, NH 03301-8711

Dear Director Herbert:

On June 10, 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, New Hampshire requested the following flexibility:

1. The 90 calendar day timeframe set forth in 45 CFR §303.4(d) be extended to 270 calendar days.
2. The 30 calendar day timeframe set forth in 45 CFR §303.6(c)(2) be extended to 150 calendar days.
3. The 60 calendar day timeframe set forth in 45 CFR §303.6(c)(2) be extended to 180 calendar days.
4. 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.
5. 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.
6. 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 your request and the Stafford Act, the above requested modifications are approved beginning March 13, 2020, and expiring at the end of the major disaster declaration for your jurisdiction. Please maintain communication with your Regional Program Manager regarding the status of your state's major disaster declaration.

The following additional requests cannot be approved at this time as they implicate core IV-D functions beyond administrative program requirements that can be waived or held harmless under the Stafford Act authority. If you have concerns that these core requirements may not be met within their timeframes, please submit the timeframes to OCSE for flexibility requests.

1. Temporarily hold the state harmless for non-compliance with federal requirements described in state plan section 2.1 until the first business day following the end of the state's emergency declaration.
2. Temporarily hold the state harmless for non-compliance with federal requirements described in

state plan section 2.6 until the first business day following the end of the state’s emergency declaration.

3. Temporarily hold the state harmless for non-compliance with federal requirements described in state plan section 3.16 until the first business day following the end of the state’s emergency declaration.

- States have discretion to determine what constitutes good cause to not cooperate with child support enforcement under section 454(29) of the Act.

4. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(a)(2) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

5. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(a)(4) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

- States have discretion on whether to enforce support through liens on real and personal property under section 466(a) of the Act:

Notwithstanding section 654(20)(B) of this title, the procedures which are required under paragraphs (3), (4), (6), (7), and (15) need not be used or applied in cases where the State determines (using guidelines which are generally available within the State and which take into account the payment record of the noncustodial parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part or would be otherwise inappropriate in the circumstances.

6. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466a(a)(5)(A) and (B) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

7. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(a)(5)(H) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

8. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(a)(5)(J) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

9. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(a)(7) of the Social Security Act until the first business day following the end of the state’s emergency declaration.

- States have discretion on whether to enforce support through credit bureau reporting under section 466(a) of the Act:

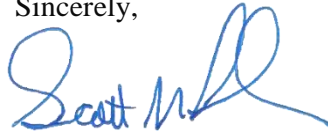
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noncustodial parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part or would be otherwise inappropriate in the circumstances.

10. Temporarily hold the state harmless for non-compliance with federal requirements described in section 466(J) of the Social Security Act until the first business day following the end of the state's emergency declaration.

If you have any questions concerning the approved request or need technical assistance, please contact Michael Ginns at Michael.Ginns@acf.hhs.gov.

Sincerely,



Scott M. Lekan
Acting Commissioner

cc: Michael Ginns, OCSE Regional Program Manager, Region 1
Melissa Johnson, Director, OCSE Division of Regional Operations
Yvette Riddick, Director, OCSE Division of Policy and Training