



ADMINISTRATION FOR
CHILDREN & FAMILIES

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

August 14, 2020

Eileen M. Stack, Deputy Commissioner
Division of Child Support Services
40 N Pearl Street
Albany, NY 12243

Dear Deputy Commissioner Stack:

On July 31, 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 York requested the following flexibility:

1. The child support guidelines review required under 45 CFR 302.56(e) be extended until June 30, 2023.
2. The 90 calendar day timeframe set forth in 45 CFR 303.4(d) be extended to 300 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 300 calendar days.
5. The request to use the revised UIFSA forms as set forth in [AT-19-08](#) be extended to December 31, 2021.
6. The 30 calendar day timeframe set forth in 45 CFR 302.32(b)(2)(iv) and (3)(ii) be extended to 90 calendar days.

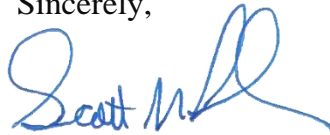
In accordance with the Stafford Act, the above requested modifications are approved beginning March 18, 2020, and expiring at the end of the major disaster declaration for your jurisdiction. We recognize your request is to have these flexibilities until September 30, 2021; however, the Stafford Act authority ends when an emergency disaster declaration ends, so we cannot authorize flexibilities that extend beyond that period.

The following additional request cannot be approved at this time as it is not an administrative program requirement that can be waived or held harmless under the Stafford Act authority.

1. The request to exempt New York 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.

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 Michael Ginns at michael.ginns@acf.hhs.gov.

Sincerely,



Scott M. Lekan
Acting Commissioner

cc: Michael Ginns, OCSE Regional Program Manager, Region 2
Melissa Johnson, Director, OCSE Division of Regional Operations
Yvette Riddick, Director, OCSE Division of Policy and Training