

OCSE Stafford Act Flexibilities Request Form

OCSE recognizes that specific states and tribes may need flexibilities in addition to the modified timeframes listed in DCL-20-04. Section 301 of the Stafford Act, 42 U.S.C. § 5141, provides that “Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State [or Indian tribal government] or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.”^[1]

Complete this form to request additional program flexibilities during the declared major disaster and submit it to the [Regional Program Manager](#) in your area. The request from the state or tribal child support director must identify the specific timeframe(s) needing modification or waiver (including the statutory or regulatory citations), a short description/rationale justifying the need for the modification or waiver of the timeframe based on the impact of the COVID-19 pandemic on program operations, and the desired revised timeframe.

OCSE will expedite the review process and the Regional Program Manager will provide a response via email to the state or tribal child support director.

Complete this section

State/Territory/Tribe: Oregon

Modification of Timeframe(s) from DCL-20-04

Identify in the table below any requested timeframe modifications from the examples in DCL-20-04.

	CRITERIA	DESCRIPTION	STATUTE/REGULATION	CURRENT REQUIREMENT	FLEXIBILITY
✓	STATE PLAN	Payment disbursement within 2 business days	454B (c) (1) 302.32(b)(1), (2)(i), and 2(ii)	2 Business Days	5 Business Days for fully electronic processes and 10 Business days if manual processes are required.

[1] Regulations issued by the Federal Emergency Management Agency (FEMA) under the Stafford Act at 44 CFR 206.2(a)(16), define the term “local government” to include Indian tribe, authorized tribal organization, or Alaska Native village or organization.

	CRITERIA	DESCRIPTION	STATUTE/REGULATION	CURRENT REQUIREMENT	FLEXIBILITY
✓	STATE PLAN	Child support guidelines reviews conducted at least once every four years	467(a), 469 302.56(e)	Every 4 years	Extension to 12/31/2021 requested
✓	PATERNITY AND SUPPORT ORDER	Establish orders or complete service of process within 90 calendar days of locate	303.4(d)	90 Calendar Days	180 Calendar Days
✓	ENFORCEMENT	Take enforcement action within 30 calendar days of delinquency	303.6(c)(2)	30 Calendar Days	60 Calendar Days
✓	ENFORCEMENT	Take enforcement action within 60 calendar days of delinquency when service of process is necessary	303.6(c)(2)	60 Calendar Days	120 Calendar Days
✓	INTERSTATE	Make Intergovernmental referrals within 20 calendar days	303.7(c)(4)(i),(ii)	20 Calendar Days	40 Calendar Days
✓	INTERSTATE	Take specified actions within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry	303.7(d)(2)(i), (ii), and (iii)	75 Calendar Days	150 Calendar Days
✓	INTERSTATE	Within 10 working days of locating the noncustodial parent in a different State, return forms, or, if directed, forward/transmit forms to noncustodial parent's state	303.7(d)(3)	10 Working Days	20 Working Days

	CRITERIA	DESCRIPTION	STATUTE/REGULATION	CURRENT REQUIREMENT	FLEXIBILITY
✓	INTERSTATE	Forward/transmit forms within 10 working days of locating the noncustodial parent in a different political subdivision within the State	303.7(d)(4)	10 Working Days	20 Working Days
✓	INTERSTATE	File the controlling order determination request within 30 calendar days	303.7(d)(5)(i)	30 Calendar Days	60 Calendar Days
✓	INTERSTATE	Notify appropriate jurisdictions of the controlling order determination and any reconciled arrearages within 30 calendar days	303.7(d)(5)(ii)	30 Calendar Days	60 Calendar Days
✓	INTERSTATE	Within 10 working days of receipt of instructions for case closure, stop responding state income withholding and close interstate case	303.7(d)(9)	10 Working Days	20 Working Days
✓	INCOME WITHHOLDING	Issue the income withholding order (IWO) notice to the employer within 2 business days	303.100 (e)(2), 303.100 (e)(3), 454A(g)(1)(A)(i), 466, 453A (g) (1)	2 Business Days	5 Business Days for fully electronic processes and 10 Business Days if manual processes are required.
✓	SYSTEMS	The statewide system must transmit IWO orders and notices to employers and other debtors within 2 business days	307.11 (c) (1) (i)	2 Business Days	5 Business Days for fully electronic processes and 10 Business Days if manual processes are required.

Other Modification or Waiver Being Requested

Identify the program requirement needing modification or waiver.

Oregon requests an extension of the Guidelines Review until 12/31/2021.

Annual State Self-Assessment Review and Report. Oregon requests a waiver of the requirement to complete a review and file a report for FFY 2020 and FFY 2021.

Statutory or Regulatory Citations

Enter the statutory or regulatory citations of the requirement you are requesting to have modified or waived. (No citations are needed for timeframes from the above chart.)

45 CFR § 308.0 - .3 – Annual State Self-Assessment Review and Report.

Reason for Request

Describe the specific impact on the program that prompts your request. If requesting flexibility on a timeframe, please specify your proposed new timeframe.

Like all states, the State of Oregon has been significantly impacted by the COVID-19 pandemic. Oregon has taken steps to ensure the safety and well-being of its residents, customers, and employees. Oregon Governor Kate Brown declared a state of emergency related to the pandemic on March 8, 2020, which has been extended through November 3, 2020. The Governor subsequently entered orders for state employees to telework to the extent their jobs allow. Oregon Child Support Program staff have been strongly encouraged to work from home, where possible, although the limitations arising from lack of appropriate equipment and higher rates of absenteeism due to health and to child responsibilities have hindered productivity.

Like many states, Oregon's child support offices have been closed to the public for an extended period due to the pandemic. They will remain closed at least through December 2020. Service of process has been unavailable in some areas because of sheriff offices discontinuing personal service due to the need for social distancing. Certified mail has not been fully available for the same reason. Paternity establishments are taking longer or not happening at all due to limited access to hospitals and genetic testing. Access to courts has been limited for enforcement actions. At the request of other states, Oregon delayed initiating intergovernmental referrals. Due to budget issues exacerbated by the pandemic, Oregon must leave many vacant positions unfilled, leaving fewer staff available to perform case work. Additionally, a number of staff have been on COVID-19 related medical leaves. All these factors support the Oregon Child Support Program's request for flexibility in the timeframes requested above.

Self-Assessment Review and Report – Oregon's Self-Assessment process is partly automated through our data warehouse, utilizing complex rules to review each case to determine if the case met the timeframes as outlined in 308.2. Oregon does not have the personnel available to make the necessary changes in the data warehouse to the timeframes outlined in the rules of our report. Due to the inability to make the changes, our annual self-assessment results obtained through data warehouse and used to complete our Annual Self-Assessment Report will not reflect any changes to the timeframes as outlined in this request. Therefore, we are asking that the requirement to submit an Annual Self-Assessment Report be waived for FFY 2020 and FFY 2021.

Guidelines Review – Responsible staff, program partners, and the public are integral for our Guidelines Review. Program staff and partners are currently teleworking and are responding to the COVID-19 pandemic, limiting their ability to meet and complete this review thoroughly and in a timely manner. An extension to December 31, 2021, would allow our staff and partners to meet current needs, remain safe during the duration of the emergency, and complete a thorough review of our guidelines when resources are more readily available.

Date of Submission: September 3, 2020

Submitted By: Kate Cooper Richardson, Director, Oregon Child Support Program Director

Date Submission Received

Division Assigned

Recommendation

Date Completed