

#	Date Submitted	State / Entity
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1 3/31/2022 Maryland

2 4/4/2022 North Dakota

Comment

The only thing I can think about the forms at this point is that it would be really great if everyone used the forms properly and used the right forms for the appropriate requests.

The Child Support Division of the North Dakota Department of Human Services supports the proposal to renew the intergovernmental forms without any changes, as published in the Federal Register on March 28, 2022 (87 FR 17297) and issued through OCSE-DCL-22-03, OMB control number 0970-0085.

Thank you for the opportunity to comment

The Connecticut IV-D – Judicial Branch - Support Enforcement Services unit (SES) formally submits the following comment for consideration. Connecticut appreciates the desire to renew the federal forms without changes; however, we believe the requested change is simple, will be supported by a majority of States, and will have an immediate and significant impact on IV-D child support programs and operations.

Comment/Suggestion Modify UIFSA Transmittal #2 Section I. Case Processing Actions – Providing: Item #10 FROM:

- Notice of case receiving tax refund offset from federal collection and enforcement program TO:
- Notice of case receiving direct collection or receipt of child support payment.

Explanation/ Justification for the Comment/Suggestion

- The current language on the Transmittal 2 (tax refund offset from a federal collection program) and any specific payment amount included on the Transmittal 2 meets the definition of Federal Tax Information (FTI).
- Both the sending state and the receiving state are required to properly safeguard any Transmittal #2 with #10 checked as FTI, including labeling the document, labeling any paper or electronic file that may contains the document, and logging the document and/or its destruction.
- In addition, the corresponding entry or action resulting from the Transmittal 2 in any federally certified state child support system also qualifies as FTI and the various safeguarding requirements (e.g. if the receiving state updates the case with a federal tax refund offset adjustment, then that adjustment is also FTI and all IV-D activity or documentation surrounding that adjustment is FTI and subject to IRS audit).
- In two-state UIFSA actions it is common for IV-D cases to have single state collections from a variety of sources: federal tax offset refund, state tax refund offset, FIDM collection, real/Personal property liens, direct income withholding receipts, direct payments to the custodial parent, administrative offset program, and any cash, credit card, or personal check payments made by the obligated parent directly to the initiating state. 2
 - The Transmittal 2 does not have an efficient way to communicate a direct receipt, other than a federal tax refund offset.
 - The Transmittal 2, in its current format, gives the IV-D worker the impression that communicating the federal tax offset (FTI) is acceptable absent further instructions on the Transmittal 2.
 - Currently, States are required to use Number 12. “Other”, to provide information about the direct collection receipt.
 - Providing notice to the other state of any direct collection receipt is required so that the appropriate credit can be noted in the other state’s records. Providing prompt notice of any direct payment, significantly reduces the probability of balance discrepancies between the two states. The underlying source of the direct payment is secondary, and not materially relevant to the proper crediting of the case.
 - Connecticut is not aware of any requirement or of any benefit to single out one (1) type of direct collection receipt.
 - By modifying Section I. Number 10. to a more generic Direct payment/collection, states will be able to efficiently communicate a direct collection of any type, including state and federal offsets. Additionally, the federal IV-D program and will reduce both the volume of FTI produced (by the Transmittal 2) and the responsibilities of all states to properly safeguard the FTI that is produced.

Please find below comments from the State of Colorado regarding revisions to the standard UIFSA forms. We appreciate the opportunity to provide feedback.

1. On the federal forms matrix, please add the CIF as a requirement when sending a Transmittal #3. We receive many requests for copies of court orders on cases that are non IVD in Colorado and without this information it is very difficult to locate the correct county/court order. This results in a delay in providing the information to the other state.

2. Add a field for insurance details on the Child Support Agency Confidential Information form. For the cases requesting enforcement it's good to know whether the child already has insurance coverage.

If you have any questions about these suggestions or need additional information please let me know.

Comment 1 - In regards to the “**Expiration Date**” at the bottom of EVERY federal form (not just these intergovernmental forms, but others such as the NMSN or Income withholding forms), can someone **PLEASE PLEASE PLEASE** change the description of “Expiration Date” to a better description for what this date is actually intended? My understanding is that the expiration date is when the form needs to be reviewed again by the feds. Perhaps this could be changed to something like “**Form Review Date**”, since that’s what it is for.

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Many employers think that the expiration date is when the order expires. In the example of an income withholding order, if the expiration date is 10/31/2022, employers think that the income withholding order is no longer valid after 10/31/2022, so they end withholding. This causes HUGE issues with noncustodial parents falling into arrears because employers misunderstand what the expiration date is.

Comment 2 - I would like to provide some feedback on the intergovernmental forms, particularly the Letter of Transmittal Requesting Registration and the Child Support Enforcement Transmittal #1 --Initial Request.

As a post-order interstate agent, I send enforcement referrals out quite often but sometimes get pushback from other states about the way information is provided through the forms, especially regarding balances and orders. For example, we get a lot of feedback from other states that do not like that our QMFs show the current support in the final balance and request new documents that show the arrears balance on the forms as whatever the payment history says is the balance even though the forms sort of request the info break down (current support amount, type of arrears, computation period, etc.). Restructuring the sections of the forms asking for the current and arrears amounts to include something like "total overall due as of [date]" would help other states understand what is being charged and matching that information to the payment history included with the referral. In other words, adding 1 plus 2 does not always equal 3 for some states while using the existing forms.

The biggest overall issue is how order information should be entered into the forms. A recent issue I've had with a particular state is over the date of the order. I entered the signature date, however in that state some jurisdictions want the date the order was filed. Clarifying what date is required on the form would help facilitate consistency in referrals.

In a broader scope, some states want the most recent order info as that's what determines what should be charging right now regardless of prior orders, some states want the original order information as it sets the foundation of the case for support, jurisdiction, paternity, etc. The Transmittal #1 allows for two orders to be entered, but often we have more than two orders on a case. The Registration Statement only has one order option. We usually send multiple Registration

Response to OMB

Thank you for your comment.

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Thank you for the comment. We have not made any changes due to the following:
The notice requirement for FTRO is regulatory (45 CFR 285.1(d)(2) and 285.3(c)(6)); therefore, it is appropriate as a specific action on the T2.
Information about other types of payments received, may continue to be included under item 7 “payment history” or item 12 “Other.”
Check item 12 “Other” if you are providing information other than the types listed. For example, an affidavit of direct payment amounts received; or other types of direct payments such as lottery winnings received for a case. Describe the specific information / payment in section III.

Decision - No change.

Federal forms matrix:

Thank you for the comment. We have not made any changes due to the following:
There is no Federal Forms Matrix. The purpose of the Intergovernmental Forms Matrix is to provide guidance to states when there is a request to open an Intergovernmental IV-D case. Transmittal 3 has clear instructions that indicates the Child Support Agency Confidential Information Form must be submitted along with T3. Additionally, the Intergovernmental Reference Guide (IRG) indicates the Child Support Agency Confidential Information Forms must be submitted when requesting a copy of a court order.

Decision - No change.

Health Insurance:

Thank you for the comment. We have not made any changes due to the following:
The Child Support Agency Confidential Information Form is not limited to requests for enforcement; therefore, health insurance information is not a requirement on the form. The Child Support Agency Confidential Information Form also accompanies requests for establishment.

Expiration Date:

Thank you for the comment. We have not made any changes due to the following:

The term expiration date is codified in our regs at 5 CFR 1320.8:

(b) Such office shall ensure that each collection of information:

(1) is inventoried, displays a currently valid OMB control number, and, if appropriate, an expiration date.

Decision - No change

Balances:

Thank you for the comment. We have not made any changes due to the following:

OCSE does not address these types of nuances. The form adequately asks for the arrears balance which does not include the current support balance.

Decision - No change.

Date of Court Order:

Thank you for the comment. We have not made any changes due to the following:

OCSE does not address these types of nuances. The form adequately asks for the date of the order, which is the date the order was ratified, not the date of filing.

Decision - No change.

Multiple Court Orders:

Thank you for the comment. We have not made any changes due to the following:

OCSE does not address these types of nuances. OCSE encourages states to work together to clarify and resolve any discrepancies.

Decision - No change.

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