

A young girl with dark hair is shown in profile, blowing on a dandelion seed head. The background is a bright, sunny field with many other dandelions in bloom, some of which are blowing away in the air. The sky is clear and blue.

IV-D State Plan: Amendment Submission & Review Process

February 2018



OFFICE OF CHILD SUPPORT ENFORCEMENT

Objectives

- Background
- IV-D State Plan
- Oversight & Amendment Submission
- OCSE Regional Review

Background

History

- Title IV-D of the Social Security Act was established by the Social Security Amendments of 1974, Public Law 93-647, January 4, 1975
- Sections 452, 454, 466 of the Act describe the requirements for the IV-D state plan
- State plan regulations published June 26, 1975 with Federal Regulation 40 FR 27147
 - 45 CFR Part 301 – State Plan Approval and Grant Procedures
 - 45 CFR Part 302 – State Plan Requirements



Definition of State Plan

- Comprehensive statement describing the nature and scope of the state IV-D program
- Assures IV-D program will be administered in conformity with the statutory and regulatory requirements
- Contains all information necessary for OCSE to determine whether the plan can be approved

Legislative & Regulatory Impacts on the IV-D State Plan

- Various legislation has prompted changes to the IV-D state plan
 - Omnibus Reconciliation Act of 1981
 - Social Security Disability Amendments of 1980
 - Child Support Amendments of 1984
 - Family Support Act of 1988 (FSA)
 - Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
 - Child Support Performance and Incentive Act of 1998
 - Deficit Reduction Act of 2005 (DRA)
 - Preventing Sex Trafficking and Strengthening Families Act of 2014
 - Ratification of Hague Child Support Convention in 2016
- Various regulations have also promoted changes

IV-D State Plan

Federal Funding Application

- 45 CFR Part 302 defines the state plan provisions required for an approved plan under title IV-D of the Act
- Approved plan allows federal financial participation in operating a IV-D child support program
- IV-D state plan is updated through plan amendments
- ACF requires the annual submission of the SF-424M through OLDC for mandatory grant programs (see AT-14-07)
 - Not required to attach any state plan documents

IV-D State Plan Automated System

- Moved from a manual to an automated process for maintaining the state plan in April 2015, which:
 - Streamlines the submission and review of plan amendments
 - Increases the accuracy of state plan data
 - Reduces the paperwork burden on states and federal government
 - Provides a public view option

IV-D State Plan Materials

- State plan materials undergo the review process every 3 years per Paperwork Reduction Act of 1995 and includes the following materials:
 - Table of contents
 - Transmittal details
 - Plan pages (plan requirements)
- See AT-17-08 for the most recent materials

Table of Contents

- Divided into 5 sections
 - Section 1 – Single State Agency Organization
 - Section 2 – Support Enforcement
 - Section 3 – General Program Administration
 - Section 4 – Financial Administration
 - Section 5 – State Plan Administration

Plan Page

The state plan pages contain:

- Affirmative statements that indicate the state will comply with the specified requirements in statute and regulations
- Citations from the statute or regulations that appear on the left
- Check boxes for the state to indicate the implementation of optional provisions or requirements
- Data entry fields to input requested information
- Approval and effective dates
- OCSE Action Transmittal number and date
- Attachments that demonstrate compliance with the requirements

Oversight & Amendment Submission

Oversight of the IV-D State Plan

OCSE recommends:

- Reviewing the state plan to ensure it accurately reflects current state laws, policies, procedures, and practices
- Updating plan pages and attachments when they become outdated
- Determining whether changes at the state or local level impact the IV-D state plan and whether a plan amendment is needed
- Contacting OCSE Regional Office if questions arise

Factors that Trigger a Plan Amendment

- OCSE may require states to amend their IV-D state plans
 - OCSE will issue an Action Transmittal requesting a revision to the state plan for new or amended requirements
- Changes at the state level may require amendments to the IV-D state plan
 - State law changes that impact IV-D state plan requirements
 - New or revised cooperative arrangements
 - Updates to 3.3A State Statutes
 - Significant organizational changes
 - Revisions to indicate an approved or expired exemption

Plan Amendments

- All relevant changes to the IV-D state plan must be submitted to OCSE for review and approval
- States may consult with OCSE Regional Office when preparing plan amendments
- Submit through the automated state plan system per AT-15-02
- The automated submission includes
 - Transmittal Details
 - Plan Page (plan requirement)
 - Attachment

Governor's Review

- Plan amendments are sent first to the State Governor or his/her designee for review per § 301.12
 - Long-range program planning projections
 - Other periodic reports
 - Does not apply to periodic statistical or budget and other fiscal reports
- Any comments made by the Governor must be transmitted to OCSE
- Ensure that OCSE has a copy of the delegation of authority letter, if applicable

Transmittal Details

- Identifies the section of the state plan being amended and the type of amendment
- Includes a unique transmittal number assigned by the state
- Proposes an effective date, which may not be earlier than the first day of the calendar quarter in which an approvable plan is submitted [see § 301.13(g)]
- Identifies the submitter and provides information on the Governor's review, if applicable

Attachments

- Two types of attachments required to demonstrate compliance:
 - Described on the plan page as a requirement, such as 1.1, 2.5-1, 3.1, 3.3, 3.6, and 3.11
 - Included as supporting documentation
 - Written policy and procedures
 - Copies of notices and forms
 - Trainings held
 - IT system changes
 - Staff or contractual changes
- Uploaded as a PDF document or URL hyperlink

OCSE Regional Review

OCSE Regional Review

- Under 45 CFR 301.13, OCSE Regional Office has the delegated authority to approve state plans, but the OCSE Commissioner retains the authority to disapprove
- OCSE Regional Office authority includes:
 - Carefully reviewing state plan materials
 - Using the Legislative/Regulatory Analysis Checklist
 - Reviewing the responses to the questions on the plan page and the attachments
 - Determining if the required information has been furnished and complies with the requirements
 - Asking for additional information or clarification when needed

OCSE Regional Review – Plan Page

Transmittal Details

Amendment Details

Remarks

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(4) of the Act
45 CFR 302.31(a)
(3) 303.4, 303.5,
303.6 and 303.8

2.1 State Obligation to Provide Child Support Enforcement Services

1. The State provides services relating to establishment of paternity, and the establishment, modification, or enforcement of child support obligations, as appropriate, in accordance with §454(4)(A) of the Act and 45 CFR 303.4, 303.5, 303.6 and 303.8.
2. The State enforces any support obligation with respect to a child to whom the State provides services under the plan, or the custodial parent of such a child, in accordance with §454(4)(B) of the Act.

The State has established guidelines for the use of civil contempt citations in child support cases in accordance with 45 CFR 303.6(c)(4).

Yes No

3. The IV-D agency notifies the Medicaid agency that assigned medical support payments are being, or have been, retained by the non-IV-A Medicaid recipient.

Name (Click to View)	Category	Filename/URL	Effective Date	Upload Date
DCS Memorandum 17-13 Policy	SUP	17-13.pdf	04/01/2017	06/05/2017
DCS Memorandum 17-14 Document	SUP	17-14.pdf	04/01/2017	06/05/2017

OCSE Action Transmittal Number

AT-17-03

OCSE Action Transmittal Date

04/10/2017

Approval Date

06/22/2017

Effective Date

04/01/2017

OCSE Regional Review – Attachment



DEPARTMENT OF SOCIAL SERVICES

DIVISION OF CHILD SUPPORT

811 E 10th St Dept 2

Sioux Falls, SD 57103-1650

PHONE: 605-367-5444

FAX: 605-367-5515

WEB: dss.sd.gov

DCS MEMORANDUM 17-13

TO: All DCS Staff

FROM: Carmin Dean, Program Specialist

DATE: June 5, 2017

SUBJECT: Policy Manual Update

The following updates are being made to the DCS Policy Manual.

REMOVE

Table of Contents (03/30/2017)

REPLACE

Table of Contents (06/05/2017)

Chapter 8

Page 08-57 through 08-64 (03/30/2017)

Page 08-57 through 08-64 (06/05/2017)

Reason: Section K – policy has been added to reflect when referring a case to the prosecutor, the Child Support Specialist will include the SE-440E, Affidavit in Response to Order to Show Cause Ability to

OCSE Regional Review – Attachment

DSS-SE-440E (06/2017)

DEPARTMENT OF SOCIAL SERVICES

DIVISION OF CHILD SUPPORT

DCS #:

STATE OF SOUTH DAKOTA

) IN CIRCUIT COURT

)

COUNTY OF NAME

) XXXXX JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, EX REL.

)

RA NAME,

) AFFIDAVIT IN RESPONSE TO

Plaintiff

) ORDER TO SHOW CAUSE

vs.

) ABILITY TO PAY

NCP NAME,

)

Defendant

) Docket No. _____

You have been served with a Motion and Order to Show Cause because you have not complied with court order(s) regarding your child support obligation. **Your ability to pay child support is the critical issue in a contempt action and must be determined by the Circuit Court Judge.** The below information will help the Circuit Court determine your ability to pay child support. **Please bring any documentation related to your**

Approval

- Must make a decision no later than the 90th day following the date that the OCSE Regional Office received the plan submittal
- OCSE Regional Office may request an extension

Disapproval

- Notice of intent to disapprove IV-D state plan
 - Permitted the opportunity to waive reconsideration of OCSE's final decision and to exercise, prior to state plan approval/disapproval decision, the right to a hearing under the procedures set forth in 45 CFR Part 213
 - When the state pursues its hearing rights prior to issuance of OCSE's decision, no further administrative appeal will be allowed
- Disapproval of IV-D state plan [see AT-97-05]

Administrative Review

- Section 301.14 describes the process for making a request to reconsider a determination on the IV-D state plan or plan amendment

Resources

- [AT-17-03](#) Revisions to and Resubmission of State IV-D Plan Pages to Comply with FEM
- [DCL-16-04](#) State Plan System Frequently Asked Questions
- [AT-16-01](#) Plan Page 5.2 and State Plan Amendments
- [AT-15-01](#) Amendment of State Plan Preprint Page 2.12-20, Adoption of Uniform State Laws
- [AT-15-02](#) Automated State Plan Submission and Review Process
- [AT-14-12](#) E-IWO Implementation and Amendment of Title IV-D State Plan Preprint Page 3.8-3
- [AT-14-07](#) Notice of SF-424M Annual Submission Requirement
- [AT-13-01](#) Notice of State Plan Preprint Pages Electronic Forms
- [AT-07-06](#) Revised Instructions for Requesting an Exemption from the Mandatory Laws and Procedures in Section 466
- [AT-97-05](#) Procedures for Determining That a State IV-D Plan is Disapproved

For More Information

Division of Policy & Training

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