

## **ACTION TRANSMITTAL**

**AT-15-01**

**DATE:** February 10, 2015

**TO:** State Agencies Adminstrating Child Support Plans under Title IV-D of the Social Security Act and Other Interested Individuals

**SUBJECT:** Amendment of State Plan Preprint Page 2.12-20, Adoption of Uniform State Laws

**ATTACHMENT:** Amended State Plan Preprint Page 2.12-20

**BACKGROUND:** Section 454 and 466 of the Social Security Act (the Act) set forth the requirements for a state plan and plan amendments for the child support program. As a condition of receiving federal financial participation, the state child support agency must have an approved state plan describing the nature and scope of the child support program, and which meets all federal requirements. The state plan consists of the preprinted state plan pages, any related attachments, and contains information necessary for the Office of Child Support Enforcement (OCSE) to determine whether a state plan can be approved.

Section 301 in Public Law 113-183, *Preventing Sex Trafficking and Strengthening Families Act*, made changes to section 466 of the Act, which is referenced in the state plan. Specifically, the law amends section 466(f) of the Act to require states to enact the Uniform Interstate Family Support Act in the next state legislative session, including amendments adopted by the National Conference of Commissioners on Uniform State Laws on September 30, 2008 (UIFSA 2008). If a state has a 2-year legislative session, "each year of the session shall be deemed to be a separate regular session of the State legislature."

UIFSA 2008 amends UIFSA 2001 with respect to international case processing. Among other changes, the UIFSA 2008 amendments integrate the appropriate provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague Conference on Private International Law on November 23, 2007. These provisions in UIFSA 2008 must be enacted in all states before the U.S. can ratify the Convention, and will enable states to process cases from other countries that have ratified or acceded to the Convention.

**CONTENT:** The following amended state plan page and a completed transmittal notice form (OCSE-21-U4) must be resubmitted to the appropriate ACF/OCSE Regional Office attesting to compliance with the requirements set forth on the page.

- State plan 2.12, Procedures to Improve Program Effectiveness, is amended by revising state plan page 2.12-20, Adoption of Uniform State Laws, as follows:

- Removing "On or after January 1, 1998,"
- Removing "and as in effect on August 22, 1996,"
- Replacing "such date" with "September 30, 2008,"

States must enact UIFSA 2008 verbatim by the effective date noted in P.L. 113-183, section 301(f)(3). As with UIFSA 1996, states may replace bracketed language with terminology appropriate under state law, for instance, "[tribunal]" may be replaced with "court." States are not required to adopt the same numbering of the uniform statute. Also, where the statute refers to other laws or statutes by article or section number, even if not included in brackets, the state may replace these references with the appropriate article or section number of that state's statutes. OCSE will review minor, nonsubstantive, and trivial deviations between UIFSA 2008 and state law on a case-by-case basis.

#### **APPROVAL OF STATE PLAN**

States must submit state plan preprint page 2.12-20 along with a completed transmittal notice form (OCSE-21-U4) to the appropriate Regional Program Manager attesting to compliance with the requirements set forth on the page. States must submit this page before the end of the first calendar quarter beginning after the close of the first regular state legislative session that begins after September 29, 2014. In the case of a state that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the state legislature.

#### **RELATED REFERENCES:** AT-14-11

**ACTION REQUIRED:** Submit state plan preprint page 2.12-20 as noted above.

**INQUIRIES TO:** ACF/OCSE Regional Program Managers

Vicki Turetsky  
Commissioner  
Office of Child Support Enforcement