

AMERICAN PAYROLL ASSOCIATION

July 6, 2020

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Scott Lekan
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Acting Commissioner, OCSE
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, SW
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Re: Request for electronic multi-way communication process for child support

Dear Secretary Azar,
Deputy Secretary Hargan,
Assistant Secretary Johnson, and
Principal Deputy Assistant Secretary Lekan:

The American Payroll Association (APA) urgently requests OCSE implement secure communication on their child support Portal.

In October 2018, APA wrote to the Office of Child Support Enforcement (OCSE) with a request to “enhance the capabilities of OCSE’s electronic capabilities to allow multi-way communication between employers, states, and OCSE.” At issue was an incomplete process to manage lump-sum payments because OCSE’s comparison of data could not be offered to employers. In addition, states could not respond to employers via the Child Support Portal (Portal). More details on APA’s request are in Attachment A to this letter. The National Council of Child Support Directors also sent a letter of support for the enhancement.

While APA was informed that OCSE would give serious consideration to our request and we have viewed and offered recommendations on potential modules for the enhancements, APA has now learned that OCSE is still in the analysis phase of the project to implement secure communication on the Portal and will not implement for at least a year. We understand there are other priorities;

however, APA believes this should be a top priority and implementation should be sooner than a year.

APA appreciates OCSE's initial effort scheduled for release this July that enhances the Portal to notify employers whether their employee owes arrears and provides contact information to the state(s) responsible for collecting past-due support. However, payroll professionals and their employers would still need to manually contact states for all of the other procedural details regarding remittal of the lump sum, including, but not limited to, the amount owed, and where and how to remit the payments.

Today, the majority of employers operate through electronic communication systems. With 75% of child support collected through income withholding (OCSE data), the role of payroll professionals and their employers is critical to the health and welfare of children living in the United States and abroad. The COVID-19 health and safety stay-at-home orders have made the need for electronic communication between state child support agencies and employers even more critical and immediate. The "new normal" will not reverse the trend toward virtual communication; if anything, the "new normal" will make virtual communication even more vital.

APA would be pleased to discuss the need for electronic communication enhancements further with you and your staff. You can reach us through Alice Jacobsohn, Esq., at 202-669-4001 or ajacobsohn@americanpayroll.org. Thank you.

Sincerely,



Corrinne Flores
Chair, Child Support and
Other Garnishments Subcommittee



Alice P. Jacobsohn, Esq.
Senior Manager, Government Relations

About the American Payroll Association

APA is a nonprofit association representing more than 20,000 payroll professionals throughout the United States. Some APA members work for payroll service providers who in turn process the payrolls for another 1.5 million employers, representing an aggregate total of one-third of the private-sector workforce.

APA's primary mission is to educate its members and the payroll industry regarding best practices associated with paying America's workers while complying with applicable federal, state, and local laws. In addition, the APA's Government Relations Task Force works with the legislative and executive branches of government to find ways to help employers satisfy their legal obligations, while minimizing the administrative burden on government, employers, and individual workers. APA's partnership with OCSE and the HHS is critically important.

Attachment A

Current Child Support System Capabilities and Practices

1. When employers report a lump-sum payroll, they are able to upload a list of all the employees subject to child support withholding and who are eligible for a lump-sum payment to the Child Support Portal. Some employers upload all employees receiving a lump-sum payment even those employees without an Income Withholding Order in place.
2. States submit information to the Debtor File on individuals who owe child support arrearages. OCSE does not disclose this information to employers.
3. A comparison is made electronically by OCSE between the employer information located in the Child Support Portal and the state information in the Debtor File. This match information is provided to states, but not employers.
4. If an employee receiving a lump-sum payment is not found in the Debtor File and when requested by a state, OCSE will review the Federal Case Registry to determine if the individual is listed. This information is provided to states, but not employers.

Proposed Multi-Way Communication System

1. OCSE would have ability to provide employers with access to the matched information from the Child Support Portal and the Debtor File.
2. The list of individuals who owe arrearages would be provided to the employer and states electronically. Thus, the employer will know whether to withhold or release the lump-sum payment to employees. States will know that employees with arrearages are receiving lump-sum payments.
3. The Child Support Portal would include a means for states to electronically respond to employers regarding withholding of the lump-sum payment.