

December 14, 2021

infocollection@acf.hhs.gov  
Administration for Children and Families  
330 C Street SW  
Washington, DC 20201

RE: OMB No. 0970-0177

To Whom it May Concern:

I am submitting these comments on behalf of North Dakota's Title IV-D program in response to the Open Comment Period — OCSE-157 Annual Data Report.

Our comments pertain to Section F – Collections Due and Distributed, particularly Line 25. We are uncertain of the intent of adding the phrase “as prescribed in 45 CFR 302.51.” To preserve the accuracy of the OCSE-157 as a measurement of IV-D activity, it is imperative that states continue to be able to report non-cash collections as distributions of current child support.

In 2018, North Dakota offered supportive comments regarding many revisions to OCSE-157, but opposed a proposed new sentence requiring payments to be sent through the SDU in order to be reported in Section F. We listed Title II derivative benefits as an example of a form of payment permitted under state law and guidelines but which do not flow through the SDU.

We appreciate OCSE removing the sentence in Section F, which we would normally interpret as support for continued reporting of Title II derivative benefits and other non-cash collections in Section F. But we also note the addition of the following definition:

**Disbursement** - The actual process of dispensing or paying out the collection.

This definition remains a concern because the instructions provide: “A collection must be both distributed and disbursed to be reported.” As noted above, we are uncertain of the intent of adding the phrase “as prescribed in 45 CFR 302.51” in Section F. If the intent is to clarify how a state should report collections when disbursement is delayed, we have no concerns because crediting non-cash collections such as Title II derivative benefits is rarely subject to unforeseen delays. If the addition of the references to 45 CFR 302.51 provides sufficient clarity, perhaps the definition of “Disbursement” can be removed as no longer necessary.

We are aware that our concern is present in the current OCSE-157, but the implementation of the current OCSE-157 has been delayed due to the pandemic (which we appreciate) and is the subject of further proposed changes in this proceeding. Thank you for your consideration.

Sincerely,

  
James C. Fleming, Director  
Child Support Division  
North Dakota Department of Human Services