

ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

APR 14 2015

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade S.W.  
Washington, D.C. 20447

C.L. "Butch" Otter  
Governor  
Office of the Governor  
State Capitol  
PO Box 83720  
Boise, ID 83720

Dear Governor Otter:

In accordance with sections 452(a)(3), 454(20)(A), and 455(a)(1)(A) of the Social Security Act (the Act), and 45 CFR 301.11, 301.13, and 301.14, this constitutes formal notice of my intent to disapprove Idaho's IV-D state plan.

The basis for my decision is:

- Section 301(f)(1) of P.L. 113-183, amending section 466(f) of the Act, requires all states to enact any amendments to the Uniform Interstate Family Support Act "officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws" (referred to as UIFSA 2008) in order to meet the requirements for state plan approval.
- In accordance with section 301(f)(3)(A) of P.L. 113-183, these amendments are required to be in effect "no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act."
- The Idaho State legislature adjourned on April 11, 2015, failing to enact UIFSA 2008.
- The State's failure to comply with the federal law has national implications, affecting not just the children and families in Idaho, but involving every other State in the country as well. It is essential that all States enact UIFSA 2008 during 2015 in order to enable the United States to ratify the Convention of 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the "2007 Convention" or the "treaty").

Congress passed P.L. 113-183, the Preventing Sex Trafficking and Strengthening Families Act of 2014, to improve interstate and international child support case processing and ensure that more United States children will obtain financial support, regardless of where their parents live. The law requires the Secretary of Health and Human Services to ensure the compliance of the United States with the 2007

Convention. The treaty cannot be ratified unless and until all states have enacted UIFSA 2008. Congress provided, under sections 454(20) and 466(f) of the Act, that this is a mandatory requirement for approval of the title IV-D state plan and a condition of continuing receipt of federal funds.

Section 455(a)(1)(A) of the Act specifies that funds appropriated under title IV-D shall be paid to states with approved IV-D state plans. If UIFSA 2008 is not enacted in Idaho pursuant to the effective date specified in P.L. 113-183, July 1, 2015, there is no authority to expend federal funds, access federal data systems, or use federal enforcement authorities under title IV-D of the Act for the operation of Idaho’s child support enforcement program.

You have 60 days from the date of this letter to demonstrate that the state has enacted UIFSA 2008. If the state does not enact UIFSA 2008 by the statutory effective date, the IV-D state plan will not be in compliance, and I will issue a determination that Idaho’s IV-D plan is no longer approved. This will result in suspension of all federal payments on July 1, 2015 for Idaho’s child support enforcement program.

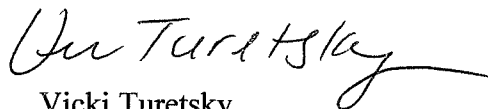
If Idaho’s IV-D state plan is found to be out of compliance, you may request reconsideration of the decision pursuant to regulations at 45 CFR 301.14. Federal funding, however, will be suspended and may not be stayed pending reconsideration. If it is subsequently determined that the original decision was incorrect, restitution of funds withheld or otherwise denied will immediately be certified in a lump sum.

In addition, section 402(a)(2) of the Act provides that the chief executive officer of the state must certify that the state will operate a child support enforcement program under an approved IV-D state plan as a condition of eligibility for a Temporary Assistance for Needy Families (TANF) block grant under Title IV-A of the Act. Therefore, Idaho should be aware that TANF funds would also be at risk.

I urge your state to take the necessary steps to enact UIFSA 2008 promptly in order to come into compliance with federal law. We continue to offer technical assistance to help you with this important endeavor. The failure of just one state to pass UIFSA 2008 will have a negative impact on every state IV-D program in the country and the families they serve.

Should you have any questions in regard to this Notice, please contact your ACF/OCSE Regional Program Manager, Levi Fisher at (206) 615-2519.

Sincerely,



Vicki Turetsky  
Commissioner  
Office of Child Support Enforcement

cc: Richard Armstrong, Director, Idaho Department of Health and Welfare  
Kandace Yearsley, Director, Idaho Child Support Program  
Levi Fisher, ACF/OCSE Regional Program Manager, Region X