

RULEMAKING NOTICE FORM

Notice Number **2015-131**

Rule Number

He-W 405.01

1. Agency Name & Address:

**Dept. of Health & Human Services
Division of Child Support Services
129 Pleasant Street
Concord, NH 03301**

2. RSA Authority:

RSA 161-B:8, II

3. Federal Authority:

Section 457 of the Social Security Act [42 USC 654(6)(B)(ii)]

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption **X**

Readoption w/amendment _____

5. Short Title: **Annual Fee For Services**

6. (a) Summary of what the rule says and of any proposed amendments:

This rule specifies the methodology for the collection of the annual \$25.00 fee required pursuant to RSA 161-B:3, IV and Section 454(6) of the Social Security Act as amended by P.L. 107-191, the Deficit Reduction Act of 2005 (DRA). The imposition of a \$25.00 fee applies to the IV-D never-assistance cases in which Division of Child Support Services (DCSS) has collected and disbursed at least \$500.00 in support. The Department of Health and Human Services (Department) proposes to readopt the rule. The rule is scheduled to expire 11-17-15, but is subject to extension pursuant to RSA 541-A:14-a.

6. (b) Brief description of the groups affected:

The rule affects the individuals involved in never-assistance child support cases where the Division of Child Support Services (DCSS) has collected and disbursed at least \$500.00 in support.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	RSA and Federal Statutes the Rule Implements
He-W 405.01	42 USC 654(6)(B)(ii), RSA 161-B:3, IV, and RSA 161-B:8, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard**

Title: **Rules Coordinator**

Address: **Dept. of Health and Human Service
Administrative Rules Unit
129 Pleasant St.
Concord, NH 03301**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, September 8, 2015.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, September 1, 2015 at 9:00 a.m.**

Time:

Place: **DHHS Brown Bldg., Room 288, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:136 , dated 7/24/15

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rule to the existing rule.

2. Cite the Federal mandate. Identify the impact of state funds:

Section 454(6) of the Social Security Act, as amended by P.L. 107-191, the Deficit Reduction Act of 2005 requires an application fee be part of each State plan for child and spousal support. Failure to readopt this rule would prohibit the Division of Child Support Services from collecting a \$25 fee, for never-assistance cases in which at least \$500 in support has been collected and disbursed, which may result in federal financial penalties.

3. Cost and benefits of the proposed rule(s):

Any costs or benefits associated with the proposed rules are attributable to the Federal mandate stated in 2 above and RSA 161-B:3, IV.

A. To State general or State special funds:

See 3 above.

B. To State citizens and political subdivisions:

See 3 above.

C. To Independently owned businesses:

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule does not create a new program or responsibility, expand or modify an existing program or responsibility, or mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Readopt He-W 405.01, effective 11-17-07 (Document #9206), to read as follows:

He-W 405.01 Annual Fee for Services.

(a) In all never-assistance cases where DCSS has collected and disbursed at least \$500.00 of support, DCSS shall impose an annual fee of \$25.00 pursuant to RSA 161-B:3, IV.

(b) The fee shall be retained by DCSS from the support collected on behalf of the payee, but not from the first \$500.00 so collected.

(c) DCSS shall distribute to the payee the portion of the amount so collected that remains after withholding the fee in accordance with He-W 403.01.

(d) In all cases where the annual fee is retained from a support collection, the payor's child support account shall be credited for the entire amount of the collected support payment.

APPENDIX

<u>Rule</u>	<u>RSA or Federal Regulation Implemented</u>
He-W 405.01	Section 454(6)(B)(ii)[42 USC 654(6)(B)(ii); RSA 161-B:3, IV; and RSA 161-B:8, II