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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF ECONOMIC & HOUSING STABILITY

Lori A. Shibinette
Commissioner

Karen E. Hebert
Director

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November 22, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Health and Human Services, Division of Economic and Housing Stability, to enter into a **Retroactive Sole Source** amendment to an existing agreement with the Supreme Court of the State of New Hampshire, through the Administrative Office of the Courts (AoC), (VC#177872) Concord, NH, to add funding on the basis of time study recalculations and to remove all references to Marital Masters, by increasing the price limitation by \$630,000 from \$3,328,688 to \$3,958,688, with no change to the completion date of June 30, 2024, effective retroactive to July 1, 2022, upon Governor and Council approval. 100% Federal Funds.

The original agreement was approved by Governor and Council on June 24, 2020, item #19.

Funds are available in the following account for State Fiscal Years 2023, and are anticipated to be available in State Fiscal Year 2024, with the authority to adjust budget line items within the price limitation and encumbrances between state fiscal years through the Budget Office, if needed and justified.

05-95-42-4270010-79340000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: CHILD SUPPORT SERVICES, EXPEDITED IV-D SERVICES

State Fiscal Year	Class / Account	Class Title	Job Number	Current Budget	Increased (Decreased) Amount	Revised Budget
2021	085-588510	Transfer to Other State Agency	42700028	\$832,172	\$0	\$832,172
2022	085-588510	Transfer to Other State Agency	42700028	\$832,172	\$0	\$832,172
2023	085-588510	Transfer to Other State Agency	42700028	\$832,172	\$315,000	\$1,147,172
2024	085-588510	Transfer to Other State Agency	42700028	\$832,172	\$315,000	\$1,147,172
			Total	\$3,328,688	\$630,000	\$3,958,688

EXPLANATION

This request is **Sole Source** because MOP 150 requires all amendments to a sole source agreement to be identified as sole source. The AoC is the only entity able to provide the necessary services outlined in the agreement, and this service is federally mandated.

This request is **Retroactive** because the AoC clerical support staff have been utilizing an updated time study process to track their time processing child and medical support petitions since July 1, 2022. It was determined that the current funding level was not enough to accurately reimburse the court for its time spent on allowable child support activities. This increase in funding will ensure the Court is adequately compensated for the expedited processing of child support legal activities to meet federal requirements.

The purpose of this request is to increase the projected price limitations for SFY 2023 and 2024 due to the AoC's analysis of SFY 2021 time study requirements. The AoC made internal modifications to the time study process to create a more accurate billing and time reporting system for the time court staff spend on the expedited processing of child and medical support activities, and Section III of the agreement, Estimated Reimbursement for the indirect expenses of clerical/support staff salaries and benefits is being amended to reflect the additional funding required. This amendment also removes all references to Marital Masters, as they no longer provide services under this agreement.

BCSS provides services to approximately 30,000 families each year. This agreement enables BCSS to establish and enforce legal orders of support for families who need either or both of those services. This amendment will enable the Bureau of Child Support Services to continue to meet expedited process requirements for the establishment and enforcement of legal orders of support, which is mandated by federal regulations.

The Department will monitor services by:

- The number of state petition IV-D Cases that are completed through the courts within (6) six month federal timeframe
- The number of state petition IV-D cases that are completed through the courts within the twelve (12) month federal timeframe
- The overall percentage of IV-D cases with support orders established that are at or above the standard federal threshold for performance

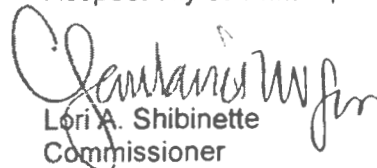
Should the Governor and Council not authorize this request the State of New Hampshire would not be in compliance with federal regulations and the families of New Hampshire would not have child support orders established and enforced in a timely manner.

Area served: Statewide

Source of Federal Funds: Assistance Listing Number #93.563, FAIN #2201NHCSSES

In the event that the Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,


Lori A. Shibinette
Commissioner

**State of New Hampshire
Department of Health and Human Services
Amendment #1**

This Amendment to the Expedited Process Program Cooperative Agreement is by and between the State of New Hampshire, Department of Health and Human Services ("DHHS") and the Supreme Court of the State of New Hampshire, through the Administrative Office of the Courts (referred to as "Parties").

WHEREAS, pursuant to the Cooperative Agreement approved by the Governor and Executive Council on June 24, 2020 (Item #19), the parties agreed to perform certain services based upon the terms and conditions specified and in consideration of certain sums specified; and

WHEREAS, the parties may amend the Cooperative Agreement by mutual written agreement at any time, pursuant to Section 6, Effective Date;

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained in the MOU and set forth herein, the Parties hereto agree to amend as follows:

1. Modify the Cooperative Agreement, by replacing it in its entirety with Cooperative Agreement Amendment #1, which is attached hereto and incorporated by reference herein. Changes include modifying Section III, Estimated Reimbursement, Indirect Expenses to increase funding and removing all references to marital masters throughout the Cooperative Agreement.

All terms and conditions of the Cooperative Agreement not modified by this Amendment remain in full force and effect. This Amendment shall be effective retroactive to July 1, 2022, upon Governor and Council approval.

IN WITNESS WHEREOF, the parties have set their hands as of the date written below,

State of New Hampshire
Department of Health and Human Services

11/7/2022

Date

DocuSigned by:
Karen Hebert

Name: Karen Hebert
Title: Division Director

New Hampshire Administrative Office
of the Courts

11/7/2022

Date

DocuSigned by:
Dianne Martin

Name: Dianne Martin
Title: Director

The preceding Amendment, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

11/7/2022

Date

DocuSigned by
Robyn Guarino

Name: Robyn Guarino

Title: Attorney

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on: _____ (date of meeting)

OFFICE OF THE SECRETARY OF STATE

Date

Name:

Title:

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF CHILD SUPPORT SERVICES
COOPERATIVE AGREEMENT AMENDMENT #1

WHEREAS, the New Hampshire Department of Health and Human Services Bureau of Child Support Services (hereinafter "BCSS") is required by federal mandate to expedite the processing of child support actions that are initiated through a voluntary application process for IV-D services; and

WHEREAS, the New Hampshire Supreme Court (hereinafter "Supreme Court") has instituted an Expedited Process for the purposes of handling domestic and marital IV-D cases; and

WHEREAS, the Supreme Court on July 1, 1996 instituted a Family Division pilot program in Grafton and Rockingham Counties for the purposes of handling domestic, marital, and other family actions; and the New Hampshire Legislature subsequently passed House Bill 2, (Laws of 2005, Chapter 177:14) authorizing the statewide expansion of the Family Division of the New Hampshire Superior Court as the Court of general jurisdiction over marital and domestic relation cases, with the implementation of the statewide expansion of the Judicial Branch Family Division to be performed in accordance with RSA 490-D:5; and

WHEREAS, the New Hampshire Legislature passed House Bill 609 in 2011 (Laws of 2011, Chapter 88) to organize, constitute, and establish the New Hampshire Circuit Court; established to consist of three (3) divisions: a probate division, a district division and a family division; with the Circuit Court having the jurisdiction, powers, and duties conferred upon the former probate and district courts and upon the former judicial branch family division by RSA 547, RSA 502-A and RSA 490-D; and

WHEREAS, BCSS and the Supreme Court, through the Administrative Office of the Courts (hereinafter "AOC"), and on behalf of its subcomponent, the Circuit Court Family Division (hereinafter "CCFD"), agree that cooperation shall benefit the public at large through the timely filing, hearing, and resolution of child support matters, and they hereby covenant and agree as follows:

I. ORGANIZATIONAL RELATIONSHIP

The Supreme Court has general superintendence over the New Hampshire Court System (RSA 490:4). The New Hampshire Constitution pt. 2, Art. 73-a places responsibility for administration of all the courts on the Supreme Court. In August 1983, the Supreme Court created AOC to assist in its administrative, financial, and non-judicial personnel management responsibilities. These obligations were further defined by order of the Supreme Court dated January 21, 2005. Under the direction of the Supreme Court, AOC is responsible for the preparation and the administration of the Circuit Court's budget, the establishment of standardized budgeting and accounting procedures in the State's courts, and the collection and maintenance of statistics. The AOC falls under the direct supervision of the Chief Justice of the Supreme Court.

The Circuit Court was established through Chapter 88, of the Laws of 2011. The CCFD is a trial court, with jurisdiction of domestic, marital, and other family actions (Laws 2005, Chapter 177:14). CCFD judges and masters are assigned to one or more circuits or locations at the discretion of the Administrative Judge of the

Circuit Court after considering population, judicial time and efficiency, available judicial resources, and the needs of the public.

Pursuant to RSA 490-F:15, the Circuit Court with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein parties are not entitled to a trial by jury. The child support referees are authorized to hear, analyze, and make recommendations on IV-D paternity establishment cases, child and medical support establishment and modifications cases, and child support cases brought under UIFSA.

BCSS is responsible for administering a statewide child support establishment and enforcement program under Title IV-D of the Social Security Act. The Bureau must have in effect and use, in interstate and intrastate cases, administrative and or judicial expedited processes to establish paternity and to establish, modify, and enforce support orders.

II. DUTIES AND RESPONSIBILITIES

BCSS, and the Supreme Court, by and through AOC, on behalf of its subcomponent, the CCFD, hereby agree to comply with Title IV-D of the Social Security Act, and agree to implement all federal regulations and requirements.

A. BCSS shall:

1. Identify and keep monthly logs by case name of each IV-D case that is heard by the CCFD. IV-D cases include:
 - a. Establishment of paternity;
 - b. Establishment of new orders for child and medical support;
 - c. Establishment of temporary orders for child and medical support;
 - d. Establishment and enforcement of interstate reciprocal cases under UIFSA or any other laws governing interstate child support cases;
 - e. Enforcement of existing orders of support;
 - f. Modifications of divorce decrees and other orders with respect to child and medical support; and
 - g. Hearings on support violations and show cause hearings.
2. Monitor time frames for all IV-D cases to determine they are being disposed of within federally mandated time frames established in 45 CFR §303.101(b)(2);
3. Provide the CCFD with written requests to schedule hearings;
4. Notify the Administrative Judge of the Circuit Court or designee, when any CCFD Court clerk fails on two or more separate occasions to schedule a hearing in a timely manner, in accordance with paragraph II, section B.3;
5. Seek reimbursement from the federal Office of Child Support Enforcement (OCSE) for a portion of the direct expenses of the child support referees, and in accordance with 45 CFR 304.21, for positions involved with the administration of IV-D activities (which

includes the salaries and benefits for the positions) and a portion of the indirect expenses associated with these positions (which includes the salaries and benefits of clerical support staff who do not work exclusively for the child support referees) as well as the services and commodities which support the program as follows:

- a. The amount of reimbursement for all direct expenses shall be calculated by multiplying the current Federal Financial Participation (hereinafter "FFP") rate by the percentage of time child support referees, and administrators spend on IV-D activities, as reported on a monthly basis, by the total amount of direct expenses as referred to in Exhibit A, attached hereto.
 - b. The amount of reimbursement for the indirect expenses of clerical support staff salaries and benefits shall be calculated by multiplying the current FFP rate by the percentage of time spent by court personnel on IV-D activities cases by the total indirect expenses as referred to in Exhibit A, attached hereto. The percentage of time spent on IV-D activities will be derived from time study projects (see Section II, D.5) conducted in several courts for the purposes of this Agreement. See Exhibit B attached hereto.
 - c. The amount of reimbursement for all indirect expenses of services and commodities shall be calculated by multiplying the total cost pool as referred to in Exhibit A, attached hereto, by the ratio of referees to the total number of judicial officers, by the percentage of the referee time spent on IV-D cases, and by the current FFP rate, as referred to in Exhibit A; and
6. Shall remit on a monthly basis the reimbursement due as calculated in accordance with this section.
- B. The CCFD as authorized by the Supreme Court shall:
1. Schedule, where applicable, the child support referees to hear, IV-D cases in CCFD Courts with jurisdiction over IV-D cases. The child support referees shall exercise independent judicial discretion in ruling on IV-D cases;
 2. Employ its best efforts, in conjunction with BCSS, to coordinate regularly scheduled Court days, by use of block scheduling, for the resolution of establishment, modification, and enforcement cases in order to achieve mutual efficiencies in the administration of IV-D cases;
 3. Require that all CCFD Court Clerks mail to all parties a notice of hearing within twenty-one (21) days of the receipt of a request by BCSS; the date of said hearing shall be within ninety (90) days of receipt of the request unless the docket will not permit such scheduling; but in any event shall ensure compliance pursuant to paragraph II, section B.9;
 4. After notice is given pursuant to paragraph II, section A.4 above, the Court shall have fourteen (14) days in which to take corrective action or to notify the Department why corrective action is inappropriate. Corrective action, in this instance, shall mean the mailing of a notice of hearing within fourteen (14) days;

5. Require child support referees, and administrators to report the percentage of their time each day that was dedicated to IV-D activities. A daily reporting log (hereinafter log) will be completed by each master, child support referee, and administrator; copies are attached hereto as Exhibit C. The log will be used for monitoring and managing the processing of IV-D cases and activities;
6. Require that the child support referees, and administrators sign and submit the completed logs at the end of each month to the Administrative Judge of the Circuit Court or designee;
7. Require that the child support referees identify the case name and case number of each IV-D case heard daily and submit these case lists together with the logs monthly to the Administrative Judge of the Circuit Court or designee;
8. Require that the Administrative Judge of the Circuit Court or designee review the logs and case list for accuracy and forward them to the AOC within one (1) week of receipt thereof;
9. Take reasonable measures to ensure that the CCFD shall meet the federal time frames for expedited processes mandated by 45 CFR §303.101;
10. Require, for all cases referred to BCSS or cases in which an application for services is received by BCSS in which the obligation for support and the amount of the obligation have been established and BCSS has requested a copy of the Order, that all CCFD Court Clerks mail copies of the requested orders within fourteen (14) days of receipt of the request by BCSS, or other IV-D Agency, in order to ensure compliance with the federal time frames mandated by 45 CFR 303.6; and
11. Require that all record keeping documents identified under this Agreement shall be safeguarded and retained for a period of seven (7) years from the date the Agreement terminates and shall be made available to BCSS within a reasonable time upon request.

C. The AOC, the CCFD, and BCSS agree to the following efforts:

1. Liaison Meetings

The parties recognize the benefits and business efficiencies achieved by having staff from each entity meet and work together at developing best practices and achieving a mutual understanding of each other's business needs. As such, the parties agree to the following liaison meetings:

a. Local Liaison

BCSS field staff from each local District Office (hereinafter DO) shall meet with court staff from the CCFD facility that provides services to that DO, on a bi-annual schedule, or as may be otherwise necessary, to address issues that arise from the court resolution of IV-D cases, such as, case scheduling, case procedural issues, or any other identified activities or actions that will improve efficiencies for the resolution of IV-D cases.

The court staff shall include the CCFD Court Clerk and other appropriate CCFD personnel, along with the Circuit Court Administrative Judge or designee. BCSS staff shall include the BCSS DO supervisor and appropriate DO staff along with at least one representative from BCSS Administration and Child Support Legal.

b. Administrative Liaison

The Circuit Court Administrative Judge or designee, The Circuit Court Administrator(s), and an appropriate representative from AOC shall meet on an annual basis for liaison meetings with appropriate BCSS representatives to review and discuss administrative issues that have arisen within the IV-D Process.

2. IV-D Training

BCSS agrees to provide, as necessary, training and or educational workgroups on IV-D issues and activities covered by this Agreement. BCSS shall provide qualified staff to develop, present, and facilitate the educational trainings with a goal of the development and maintenance of IV-D program knowledge. The trainings shall be available to the Circuit Court Administrative Judge or designee, the Circuit Court Administrator(s), the CCFD Judges who hear IV-D cases, child support referee(s), and all other appropriate court staff.

3. The IV-D Program Development Workgroup

The parties shall participate on the IV-D Program Development Workgroup, which was established under a prior Cooperative Agreement for the purpose of jointly fulfilling the goals of the AOC BCSS Agreement, while ensuring IV-D program compliance. The workgroup shall, at a minimum, be composed of the following: the Circuit Court Administrative Judge designee; the Director of AOC designee; the Director of BCSS administrative designee; and the Director of BCSS Child Support Legal designee.

For the term of this Cooperative Agreement, the Workgroup shall meet as needed to identify and address areas within which efficiencies may be achieved, with the overall goal being the creation of a more efficient expedited process for the judicial resolution of IV-D cases. Specifically, the Workgroup shall seek to implement a more centralized system for the scheduling, hearing and processing of IV-D cases, including both establishment and enforcement. The use of video hearings and DCSS use of administrative processes shall be explored.

This Workgroup shall also seek to develop a method to identify and calculate eligible AOC expenditures within the CCFD Call Center (hereinafter CCFD CC). The CCFD CC performs IV-D activities and the goal is to develop a method that identifies and accounts for these specific costs incurred on behalf of cases receiving IV-D services under the State Plan. Such activities would be eligible for reimbursement in accordance with 45 CFR 304.21. The parties recognize and acknowledge the need to form an effective partnership to achieve overall IV-D program compliance. As such, the parties agree to the meaningful participation of appropriate staff in order to accomplish the tasks of this workgroup.

D. The AOC, as authorized by the Supreme Court, shall:

1. Review and track for accuracy all of the logs received from the CCFD;
2. Submit to BCSS a monthly summary report showing the total reimbursement due for each child support referee, and administrator together with copies of logs for use in authorizing reimbursement payments;
3. Submit to BCSS monthly statements reflecting actual costs for salaries and benefits of clerical support staff and costs for services and commodities;
4. Make available to BCSS upon request the case names and case numbers of all IV-D cases heard by child support referees in order to assist BCSS in tracking and monitoring cases; and
5. In each of the four (4) state fiscal years of this Agreement administer two-week time studies in three different locations, measuring and reporting the percentage of time clerical support staff spends on IV-D activities. The two (2) weeks shall be selected to best reflect average workload. The percentage of time reported by clerical support staff as spent on IV-D activities shall be adjusted annually based on the results of any time studies conducted in that year.

III. ESTIMATED REIMBURSEMENT

DIRECT EXPENSE:

The estimated reimbursement for the direct expense of the referees shall be \$67,079 for SFY 2021, \$67,079 for SFY 2022, \$67,079 for SFY 2023 and \$67,079 for SFY 2024. These figures are based upon the actual current salaries and benefits. Salary and benefits shall be multiplied by an estimated thirty-five percent (35%) IV-D time, and by the current FFP rate of sixty-six percent (66%).

The estimated reimbursement for the direct expense of the administrators shall be \$2,579 for SFY 2021, \$2,579 for SFY 2022, \$2,579 for SFY 2023 and \$2,579 for SFY 2024. These figures are based upon the actual current salaries and benefits. Salary and benefits shall be multiplied by an estimated IV-D time of four percent (4%), and by the current FFP rate of sixty-six percent (66%).

INDIRECT EXPENSE:

The estimated reimbursement for the indirect expenses of clerical support staff salaries and benefits shall be \$663,959 for SFY 2021, \$663,959 for SFY 2022, \$978,959 for SFY 2023 and \$978,959 for SFY 2024. These figures are based upon the annualized salaries and benefits expense from June, 2021. The result is multiplied by sixty-three point forty-seven percent (63.47%), the percentage of domestic case time and twenty seven point eighty-two percent (27.82%), the time spent on IV-D activities, and by sixty-six percent (66%), the current FFP rate. Estimates used are based on the most current (June, 2021) time studies.

SERVICES AND COMMODITIES:

The estimated reimbursement for the indirect expenses of services and commodities shall be \$98,554 for SFY 2021, \$98,554 for SFY 2022, \$98,554 for SFY 2023 and \$98,554 for SFY 2024. These figures are derived by multiplying the total cost pool of indirect expenses of services and commodities by the ratio of

referees to the total number of judicial officers, currently ten point one percent (10.1%), then multiplying by nineteen point eight percent (19.8%), the estimated judicial time on IV-D cases, multiplied by sixty-six percent (66%) FFP rate.

The State's indirect costs, pursuant to RSA 124:11, are not recoverable.

The actual expenses shall be reviewed semi-annually by the AOC and DCSS to monitor that such expenses are within the amount budgeted herein.

The Agreement shall be amended to reflect the adjustment to the estimated reimbursements in the event that any additional child support referees or case managers are hired during the term of the contract.

DCSS has the right to refuse reimbursement for any costs, which are, or may become, prohibited by federal or state law.

IV. FISCAL RESPONSIBILITY

The AOC hereby agrees to reimburse BCSS for any payments withheld from BCSS, adjustments made in funds otherwise due BCSS, or fines imposed by the U.S. Department of Health and Human Services (hereinafter HHS), due to any expenditures claimed by the AOC and paid pursuant to this Agreement that are later determined to be improper. The reimbursement shall only be required in situations where AOC failed to comply with the terms of this Agreement. Such reimbursement shall not be required for payments withheld or adjustments made, or fines imposed due to the failure of BCSS to comply with the terms of this Agreement. AOC agrees to reimburse BCSS for any expenditures under this Agreement which are determined as a result of an audit by BCSS, HHS or any authorized entity to be attributed to: (1) Services to ineligible individuals; (2) ineligible services; (3) ineligible indirect costs, the AOC may be liable for any disallowance or charges; or (4) any other claims which are inconsistent with the provisions of this Agreement.

If BCSS and or AOC determine that any withholding, adjustment, or fine imposed by HHS due to AOC noncompliance, is erroneous or improper for any reason, BCSS and AOC shall evaluate the merits of an appeal and may pursue an appeal through appropriate avenues. BCSS and AOC shall jointly decide whether to file, pursue, and/or continue any such appeal. Should there be disagreement on this issue the Office of the Attorney General shall be consulted and its determination shall be final and binding and shall not be subject to judicial review or administrative procedures. AOC shall be responsible for all litigation costs incurred. AOC shall return funds required to be returned under this section no later than thirty (30) days following BCSS' request for its return. However, if an appeal is requested within that thirty (30) day period, the AOC will not be responsible for returning funds until thirty (30) days after such appeal has been completed and denied, or not until a fiscal sanction has been imposed by HHS, whichever occurs first.

V. CONFIDENTIALITY

This agreement does not authorize access to any records or documents by court personnel or authorized BCSS employees other than what is already authorized by current job responsibilities, nor does it provide access to such records or documents by any other person(s). All information, records and documents received relating to IV-D cases shall be safeguarded in accordance with relevant federal and state statutes and regulations, including 42 USC §654 (26); RSA 161-B: 7, III, except as otherwise permissible under Chapter 91-A or court order.

Only authorized representative(s) of the United States Government, the State Office of Legislative Budget Assistant Audit Division, and authorized representatives of BCSS and court personnel shall have the right to inspect and examine records or documents pursuant to this Agreement to the extent authorized by law

and/or federal and state regulations. Any such authorized person(s) must provide reasonable notice and presentation of proper credentials or identification.

VI. EFFECTIVE DATES

This Agreement shall be effective upon approval by Governor and Executive Council and shall terminate on June 30, 2024. Services under this Agreement shall begin on July 1, 2020.

Documented services provided during any Federal Fiscal Quarter in which this Agreement is effective shall be reimbursable pursuant to 45 CFR §304.21 (d).

This Agreement may be amended at any time during its term by written agreement of both parties.

VII. TERMINATIONS

Should the AOC or the CCFD breach or fail to meet any terms and or conditions of this contract, including:

1. Failure to meet time frames in expedited process program standards; or
2. Failure to take corrective action as defined in paragraph II, section B.4 above; or
3. Failure to maintain and or provide required records and documentation; or
4. Failure to participate in local liaison or administrative liaison meetings pursuant to paragraph II, section C.1 above; or
5. Failure to meaningfully participate in the IV-D Training, or IV-D Program Development Workgroup pursuant to paragraph II, sections C.2, and C.3 above;

then BCSS may, at its option, refuse reimbursement for the month in which the breach occurred, refuse reimbursement for the month in which corrective action was to take place, or terminate the contract.

This Agreement may be terminated at any time during its term by written agreement of both parties.

IN WITNESS WHEREOF, by signature below, the Supreme Court by its duly authorized agent and BCSS, by its duly authorized agent have executed this Agreement:

State Of New Hampshire
Administrative Office of the Courts

By: DocuSigned by:
Dianne Martin
60910P217A4D4FC

Name: Dianne Martin

Title: Director

Date 11/7/2022

State Of New Hampshire
Bureau of Child Support Services

By: DocuSigned by:
Karen Hebert
626C6C2B134A416

Name: Karen Hebert

Title: Division Director

Date 11/7/2022

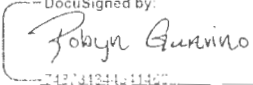
Lori Shabinette
Lori Shabinette
Commissioner

Date 11/8/2022

The preceding, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

11/7/2022
Date

DocuSigned by:

Name: Robyn Guarino
Title: Attorney

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on:
(date of meeting)

OFFICE OF THE SECRETARY OF STATE

Date

Name:
Title:

Direct Expenses	Per Year Expenditures for FY22-24	Estimated IV-D %	FFP	Estimated Reimbursement per year
Marital Master	-	1.0%	0.66	-
Referees	290,386	35.0%	0.66	67,079
Administrators	97,700	4.0%	0.66	2,579
Direct Total	388,086			69,658
Indirect Expenses				
Clerical Staff	8,400,308	17.7%	0.66	978,960
Services & Commodities				
Facilities	3,284,702			43,358
Postage, Printing & Supplies	458,587			6,053
Equipment Rental	174,894			2,309
Maintenance Contracts	150,853			1,991
Equipment Purchases	307,652			4,061
Telephone	404,004			5,333
Library	140,772			1,858
Travel	258,308			3,410
Sheriff Reimbursement	1,692,224			22,337
Interpreters	594,203			7,843
Services & Commodities Total	7,466,199	2.0%	0.66	98,554
Indirect Total	15,866,507			1,077,513
Total Actual Expenditures	16,254,592			1,147,172

* Note Marital Masters will be phased out and nothing calculated for Call Center

SUMMARY OF TIME STUDY

The methods and procedures governing time study reporting of the child support activity are outlined below:

Personnel Required to Report

The identification of personnel required to participate in the time study process and the tasks subject to time study examination reflect the full involvement of clerical support staff for masters and referees who process IV-D related cases. This includes clerical staff, case managers, and their direct supervisors who work on cases as well as supervise subordinates. Law clerks, and the senior law clerk that has the ultimate responsibility for management of the office, were not included in the study, as it would have been prohibitive in terms of the time and effort required to capture useful data.

Reporting Period

These time studies that provided a baseline determining the amount of time spent in processing IV-D cases were done over a two-week period in several courts for purposes of figuring cost allocation. These same studies should be reviewed again so that procedures that were noted "unknown" relative to IV-D status may be researched and a value assigned to these cases. This will enable the Department to project the expected number of cases that will become IV-D even if they entered the system as "unknown". In addition, a certain number of "non-IV-D" cases would be expected to convert to IV-D. Again, these cases would have to be pulled and studied to determine any change in IV-D status.

Preparation of Time Study Reports

A Time Log was developed to be used in gathering data for time study reporting. The form was designed to identify the amount of time each reporting staff member spends in the performance of a variety of functions during the course of a normal business day. The activities are then allocated to one of the three (3) categories of IV-D status, "yes", "no", or "unknown" for the purpose of determining costs of the IV-D related portion of the operation.

A listing of the tasks to be itemized on the time study report form and instructions for the preparation of the form follow:

- A = Enter Case
- B = Order of Notice
- C = Hearing Notices
- D = Notice of Decision
- E = Scheduling
- F = Phone
- G = Counter
- H = Docketing and Correspondence
- I = Closing
- L = General Office/Staff Support
- M = Pulling Mail/Dockets/Filing

General Instructions

1. The Time Log must be completed daily by those staff members designated as time study personnel. The reports are to be reviewed by the unit supervisor for the completeness and accuracy and collected daily. They should be forwarded to the Administrative Office of the Courts weekly.

Exhibit B

2. A Time Log should be filed when the staff members designated as time study personnel are absent from work part or all of the day due to sick time, vacation leave, personal leave or other authorized leave.
3. The daily Time Log must be reviewed for completeness and accuracy and signed by each reporting staff member each day and submitted to the unit supervisor.
4. The Time Log should accurately represent the activity of the reporting staff member during the specific review period. No attempt should be made to structure the data to portray an individual's perception of the proper allocation of work time activity.

Instructions for Completion of Reporting Form

1. Reporting requires that daily activity is to be reduced to five (5) minute reporting periods. No period of time less than five (5) minutes will be used for the purposes of this report. It is acceptable to lump several cases under one five (5) minute time block when tasks take only a few seconds to complete.
2. The reporting form does not require that daily activities be reported in the time sequence in which they were performed during the day. However, it is strongly recommended, given the number of cases processed daily that staff complete logs, including the docket number of each case worked on, as the task is completed.
3. The activities or work tasks have been listed for staff to categorize their activity. In addition, they are asked to judge whether the work is IV-D related, is not (and is not likely to be) IV-D related, or whether it is unknown that the work is IV-D related. Also, they are asked to report the status of each case on which they are working. That is, is it a new entry, a new case process, or an old case that has been brought forward? Workers should write the proper task code in one of these columns.
4. The time study report assumes a seven and one-half (7.5) hour work day, but work activities performed during overtime hours should be reported as well. Authorized non-productive activities, such as lunch period or administrative time that cannot be categorized, should be entered at the bottom of the log sheet.

Exhibit C

New Hampshire Judicial Branch
IV-D Reporting Log - Name _____
Month/Year: _____

Date	County	Case Name	Docket #	NECES #	Time (In Minutes)	Rate / Minute	FFP	Reimbursement Amount (Min x Rate x FFP)
						\$ 1.01	0.66	\$ -
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
MONTHLY TOTALS					0			\$ -

Signature

Date

19 mac



Lori A. Shibinette
Commissioner

Christine L. Santaniello
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF ECONOMIC & HOUSING STABILITY

129 PLEASANT STREET, CONCORD, NH 03301
603-271-9474 1-800-852-3345 Ext. 9474
Fax: 603-271-4230 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

May 26, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Health and Human Services, Division of Economic and Housing Stability, to enter into a **Sole Source** agreement with the Supreme Court of the State of New Hampshire, through the Administrative Office of the Courts (VC#177872), Concord, New Hampshire in the amount of \$3,328,688 for an Expedited Process Program, effective upon Governor and Council approval for the period July 1, 2020 through June 30, 2024. 100% Federal Funds.

Funds are available in the following account for State Fiscal Year 2021, and are anticipated to be available in State Fiscal Years 2022, 2023 and 2024, upon the availability and continued appropriation of funds in the future operating budget, with the authority to adjust budget line items within the price limitation and encumbrances between state fiscal years through the Budget Office, if needed and justified.

05-95-42-4270-427010-79340000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVS, HHS: CHILD SUPPORT SERVICES, EXPEDITED IV-D SERVICES

State Fiscal Year	Class / Account	Class Title	Job Number	Total Amount
2021	085-588510	Transfer to Other State Agency	42700028	\$832,172
2022	085-588510	Transfer to Other State Agency	42700028	\$832,172
2023	085-588510	Transfer to Other State Agency	42700028	\$832,172
2024	085-588510	Transfer to Other State Agency	42700028	\$832,172
			Total	\$3,328,688

His Excellency, Governor Christopher T. Sununu
May 26, 2020
Page 2 of 3

EXPLANATION

This request is **Sole Source** because the vendor is the only vendor able to provide the necessary services for the Expedited Process Program (formerly known as the Marital Master's Program).

The purpose of this request is to enable the Bureau of Child Support Services (BCSS) to enter into a sole source agreement with the Administrative Office of the Courts for the continuation of the Expedited Process Program, formerly the Marital Master Program. The Program enables the Bureau of Child Support Services to meet the expedited process as mandated by the federal Administration for Children & Families for the establishment and enforcement of child support orders. Competitive bids were not sought because the Circuit Court is the only public or private body authorized by law to perform the services outlined in the Cooperative Agreement.

The Bureau of Child Support Services provides services to both parents of approximately 37,000 families each year. Individuals will be served from July 1, 2020 to June 30, 2024.

This agreement enables BCSS to establish and enforce legal orders for support for those families who need either or both of those services, efficiently and effectively. BCSS is responsible for administering a statewide child support establishment and enforcement program under Title IV-D of the Social Security Act. Federal authority, 45 CFR § 303.101, requires that state IV-D child support agencies have in effect and use expedited processes to establish and enforce child support orders. The New Hampshire Constitution Part 2, Article 73-A, places responsibility for administration of all the courts on the Supreme Court.

Under the current Agreement, IV-D child support cases are scheduled before marital masters and child support referees in Circuit Courts in all ten (10) counties of New Hampshire.

Pursuant to NH RSA 490-D, and RSA 490-F, marital masters and child support referees are authorized to hear marital matters, paternity and support cases, and Uniform Interstate Family Support Act actions. The Expedited Process Program is administered in the Circuit Court by the Administrative Judge of the Circuit Court.

The Bureau of Child Support Services has had an agreement with the Administrative Office of the Courts since 1987, which authorizes federal reimbursement through the Bureau of Child Support Services for the approved costs associated with the Expedited Process Program. This agreement continues this administrative arrangement. The Administrative Office of the Courts will be reimbursed for a portion of the direct expenses of staff involved in IV-D activities, including marital masters and child support referees, and a portion of the indirect expenses associated with these positions, as well as the services and commodities which support the IV-D program. Failure to obtain this reimbursement would result in the need to use General Funds to cover these expenses.

The funds in this request represent one hundred (100%) percent of the Federal Financial Participation funds that the Administrative Office of the Courts is reimbursed for IV-D services. The Bureau of Child Support Services receives these funds from the federal Administration for Children & Families and disburses them to the Administrative Office of the

His Excellency, Governor Christopher T. Sununu
May 26, 2020
Page 3 of 3

Courts. There are no State funds disbursed by the Department to the Administrative Office of the Courts under this Agreement.

The State share required for the receipt of the federal funds is contained within the Administrative Office of the Courts' appropriated budget. If these Federal Funds are not accepted by the State, they will be allocated to other states by the federal government.

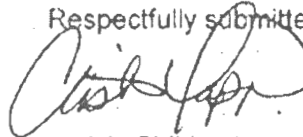
Competitive bids were not sought because the Circuit Court is the only public or private body authorized by law to perform the services outlined in the Cooperative Agreement.

Should the Governor and Council not authorize this request the Administrative Office of the Courts may not receive federal funds for all IV-D related expenses attributed to the Expedited Process Program, requiring the use of general funds for these services.

Area served: Statewide

Source of Funds: 100% Federal Funds, CFDA #93.563, FAIN #190xNHCSES.

Respectfully submitted,



Lori A. Shibinette
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF CHILD SUPPORT SERVICES
COOPERATIVE AGREEMENT

WHEREAS, the New Hampshire Department of Health and Human Services/Bureau of Child Support Services (hereinafter "BCSS") is required by federal mandate to expedite the processing of child support actions that are initiated through a voluntary application process for IV-D services; and

WHEREAS, the New Hampshire Supreme Court (hereinafter "Supreme Court") has instituted an Expedited Process for the purposes of handling domestic and marital IV-D cases; and

WHEREAS, the Supreme Court on July 1, 1996 instituted a Family Division pilot program in Grafton and Rockingham Counties for the purposes of handling domestic, marital, and other family actions; and the New Hampshire Legislature subsequently passed House Bill 2, (Laws of 2005, Chapter 177:14) authorizing the statewide expansion of the Family Division of the New Hampshire Superior Court as the Court of general jurisdiction over marital and domestic relation cases, with the implementation of the statewide expansion of the Judicial Branch Family Division to be performed in accordance with RSA 490-D:5; and

WHEREAS, the New Hampshire Legislature passed House Bill 609 in 2011 (Laws of 2011, Chapter 88) to organize, constitute, and establish the New Hampshire Circuit Court; established to consist of three (3) divisions: a probate division, a district division and a family division; with the Circuit Court having the jurisdiction, powers, and duties conferred upon the former probate and district courts and upon the former judicial branch family division by RSA 547, RSA 502-A and RSA 490-D; and

WHEREAS, BCSS and the Supreme Court, through the Administrative Office of the Courts (hereinafter "AOC"), and on behalf of its subcomponent, the Circuit Court Family Division (hereinafter "CCFD"), agree that cooperation shall benefit the public at large through the timely filing, hearing, and resolution of child support matters, and they hereby covenant and agree as follows:

I. ORGANIZATIONAL RELATIONSHIP

The Supreme Court has general superintendence over the New Hampshire Court System (RSA 490:4). The New Hampshire Constitution pt. 2, Art. 73-a places responsibility for administration of all the courts on the Supreme Court. In August 1983, the Supreme Court created AOC to assist in its administrative, financial, and non-judicial personnel management responsibilities. These obligations were further defined by order of the Supreme Court dated January 21, 2005. Under the direction of the Supreme Court, AOC is responsible for the preparation and the administration of the Circuit Court's budget, the establishment of standardized budgeting and accounting procedures in the State's courts, and the collection and maintenance of statistics. The AOC falls under the direct supervision of the Chief Justice of the Supreme Court.

The CCFD has marital master positions to assist in handling marital and child support matters. The masters are authorized to hear all marital matters, paternity cases, and Uniform Interstate Family Support Act

(UIFSA) actions, as well as show cause hearings and violations of existing child support orders. The Marital Master Program is administered in the CCFD by the Administrative Judge of the Circuit Court.

The Circuit Court was established through Chapter 88, of the Laws of 2011. The CCFD is a trial court, with jurisdiction of domestic, marital, and other family actions (Laws 2005, Chapter 177:14). CCFD judges and masters are assigned to one or more circuits or locations at the discretion of the Administrative Judge of the Circuit Court after considering population, judicial time and efficiency, available judicial resources, and the needs of the public.

Pursuant to RSA 490-F:15, the Circuit Court with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein parties are not entitled to a trial by jury. The child support referees are authorized to hear, analyze, and make recommendations on IV-D paternity establishment cases, child and medical support establishment and modifications cases, and child support cases brought under UIFSA.

BCSS is responsible for administering a statewide child support establishment and enforcement program under Title IV-D of the Social Security Act. The Bureau must have in effect and use, in interstate and intrastate cases, administrative and/or judicial expedited processes to establish paternity and to establish, modify, and enforce support orders.

II. DUTIES AND RESPONSIBILITIES

BCSS, and the Supreme Court, by and through AOC, on behalf of its subcomponent, the CCFD, hereby agree to comply with Title IV-D of the Social Security Act, and agree to implement all federal regulations and requirements.

A. BCSS shall:

1. Identify and keep monthly logs by case name of each IV-D case that is heard by the CCFD. IV-D cases include:
 - a. Establishment of paternity;
 - b. Establishment of new orders for child and medical support;
 - c. Establishment of temporary orders for child and medical support;
 - d. Establishment and enforcement of interstate reciprocal cases under UIFSA or any other laws governing interstate child support cases;
 - e. Enforcement of existing orders of support;
 - f. Modifications of divorce decrees and other orders with respect to child and medical support; and
 - g. Hearings on support violations and show cause hearings.
2. Monitor time frames for all IV-D cases to determine they are being disposed of within federally mandated time frames established in 45-CFR §303.101(b)(2);
3. Provide the CCFD with written requests to schedule hearings;

4. Notify the Administrative Judge of the Circuit Court or designee, when any CCFD Court clerk fails on two or more separate occasions to schedule a hearing in a timely manner, in accordance with paragraph II, section B.3;
5. Seek reimbursement from the federal Office of Child Support Enforcement (OCSE) for a portion of the direct expenses of the marital masters, child support referees, and in accordance with 45 CFR 304.21, for positions involved with the administration of IV-D activities (which includes the salaries and benefits for the positions) and a portion of the indirect expenses associated with these positions (which includes the salaries and benefits of clerical/support staff who do not work exclusively for the marital masters or child support referees) as well as the services and commodities which support the program as follows:
 - a. The amount of reimbursement for all direct expenses shall be calculated by multiplying the current Federal Financial Participation (hereinafter "FFP") rate by the percentage of time marital masters, child support referees, and administrators spend on IV-D activities, as reported on a monthly basis, by the total amount of direct expenses as referred to in Exhibit A, attached hereto.
 - b. The amount of reimbursement for the indirect expenses of clerical/support staff salaries and benefits shall be calculated by multiplying the current FFP rate by the percentage of time spent by court personnel on IV-D activities cases by the total indirect expenses as referred to in Exhibit A, attached hereto. The percentage of time spent on IV-D activities will be derived from time study projects (see Section II, D.5) conducted in several courts for the purposes of this Agreement. See Exhibit B attached hereto.
 - c. The amount of reimbursement for all indirect expenses of services and commodities shall be calculated by multiplying the total cost pool as referred to in Exhibit A, attached hereto, by the ratio of marital masters and referees to the total number of judicial officers, by the percentage of the master and referee time spent on IV-D cases, and by the current FFP rate, as referred to in Exhibit A; and
6. Shall remit on a monthly basis the reimbursement due as calculated in accordance with this section.

B. The CCFD as authorized by the Supreme Court shall:

1. Schedule, where applicable, the marital masters and/or child support referees to hear, IV-D cases in CCFD Courts with jurisdiction over IV-D cases. The marital masters and/or child support referees shall exercise independent judicial discretion in ruling on IV-D cases;
2. Employ its best efforts, in conjunction with BCSS, to coordinate regularly scheduled Court days, by use of block scheduling, for the resolution of establishment, modification, and enforcement cases in order to achieve mutual efficiencies in the administration of IV-D cases;
3. Require that all CCFD Court Clerks mail to all parties a notice of hearing within twenty-one (21) days of the receipt of a request by BCSS; the date of said hearing shall be

within ninety (90) days of receipt of the request unless the docket will not permit such scheduling; but in any event shall ensure compliance pursuant to paragraph II, section B.9;

4. After notice is given pursuant to paragraph II, section A.4 above, the Court shall have fourteen (14) days in which to take corrective action or to notify the Department why corrective action is inappropriate. Corrective action, in this instance, shall mean the mailing of a notice of hearing within fourteen (14) days;
5. Require marital masters, child support referees, and administrators to report the percentage of their time each day that was dedicated to IV-D activities. A daily reporting log (hereinafter log) will be completed by each master, child support referee, and administrator; copies are attached hereto as Exhibit C. The log will be used for monitoring and managing the processing of IV-D cases and activities;
6. Require that the marital masters, child support referees, and administrators sign and submit the completed logs at the end of each month to the Administrative Judge of the Circuit Court or designee;
7. Require that the marital masters, and child support referees, identify the case name and case number of each IV-D case heard daily and submit these case lists together with the logs monthly to the Administrative Judge of the Circuit Court or designee;
8. Require that the Administrative Judge of the Circuit Court or designee review the logs and case list for accuracy and forward them to the AOC within one (1) week of receipt thereof;
9. Take reasonable measures to ensure that the CCFD shall meet the federal time frames for expedited processes mandated by 45 CFR §303.101;
10. Require, for all cases referred to BCSS or cases in which an application for services is received by BCSS in which the obligation for support and the amount of the obligation have been established and BCSS has requested a copy of the Order, that all CCFD Court Clerks mail copies of the requested orders within fourteen (14) days of receipt of the request by BCSS, or other IV-D Agency, in order to ensure compliance with the federal time frames mandated by 45 CFR 303.6; and
11. Require that all record keeping documents identified under this Agreement shall be safeguarded and retained for a period of seven (7) years from the date the Agreement terminates and shall be made available to BCSS within a reasonable time upon request.

C. The AOC, the CCFD, and BCSS agree to the following efforts:

1. Liaison Meetings

The parties recognize the benefits and business efficiencies achieved by having staff from each entity meet and work together at developing best practices and achieving a mutual understanding of each other's business needs. As such, the parties agree to the following liaison meetings:

a. Local Liaison

BCSS field staff from each local District Office (hereinafter DO) shall meet with court staff from the CCFD facility that provides services to that DO, on a bi-annual schedule, or as may be otherwise necessary, to address issues that arise from the court resolution of IV-D cases, such as, case scheduling, case procedural issues, or any other identified activities or actions that will improve efficiencies for the resolution of IV-D cases.

The court staff shall include the CCFD Court Clerk and other appropriate CCFD personnel, along with the Circuit Court Administrative Judge or designee. BCSS staff shall include the BCSS DO supervisor and appropriate DO staff along with at least one representative from BCSS Administration and Child Support Legal.

b. Administrative Liaison

The Circuit Court Administrative Judge or designee, The Circuit Court Administrator(s), and an appropriate representative from AOC shall meet on an annual basis for liaison meetings with appropriate BCSS representatives to review and discuss administrative issues that have arisen within the IV-D Process.

2. IV-D Training

BCSS agrees to provide, as necessary, training and/or educational workgroups on IV-D issues and activities covered by this Agreement. BCSS shall provide qualified staff to develop, present, and facilitate the educational trainings with a goal of the development and maintenance of IV-D program knowledge. The trainings shall be available to the Circuit Court Administrative Judge or designee, the Circuit Court Administrator(s), the CCFD Judges who hear IV-D cases, marital masters, child support referee(s), and all other appropriate court staff.

3. The IV-D Program Development Workgroup

The parties shall participate on the IV-D Program Development Workgroup, which was established under a prior Cooperative Agreement for the purpose of jointly fulfilling the goals of the AOC/BCSS Agreement, while ensuring IV-D program compliance. The workgroup shall, at a minimum, be composed of the following: the Circuit Court Administrative Judge designee; the Director of AOC designee; the Director of BCSS administrative designee; and the Director of BCSS Child Support Legal designee.

For the term of this Cooperative Agreement, the Workgroup shall meet as needed to identify and address areas within which efficiencies may be achieved, with the overall goal being the creation of a more efficient expedited process for the judicial resolution of IV-D cases. Specifically, the Workgroup shall seek to implement a more centralized system for the scheduling, hearing and processing of IV-D cases, including both establishment and enforcement. The use of video hearings and DCSS use of administrative processes shall be explored.

This Workgroup shall also seek to develop a method to identify and calculate eligible AOC expenditures within the CCFD Call Center (hereinafter CCFD CC). The CCFD CC performs IV-D activities and the goal is to develop a method that identifies and accounts for these specific costs incurred on behalf of cases receiving IV-D services

under the State Plan. Such activities would be eligible for reimbursement in accordance with 45 CFR 304.21. The parties recognize and acknowledge the need to form an effective partnership to achieve overall IV-D program compliance. As such, the parties agree to the meaningful participation of appropriate staff in order to accomplish the tasks of this workgroup.

D. The AOC, as authorized by the Supreme Court, shall:

1. Review and track for accuracy all of the logs received from the CCFD;
2. Submit to BCSS a monthly summary report showing the total reimbursement due for each marital master, child support referee, and administrator together with copies of logs for use in authorizing reimbursement payments;
3. Submit to BCSS monthly statements reflecting actual costs for salaries and benefits of clerical/support staff and costs for services and commodities;
4. Make available to BCSS upon request the case names and case numbers of all IV-D cases heard by marital masters and child support referees in order to assist BCSS in tracking and monitoring cases; and
5. In each of the four (4) state fiscal years of this Agreement administer two-week time studies in three different locations, measuring and reporting the percentage of time clerical/support staff spends on IV-D activities. The two (2) weeks shall be selected to best reflect average workload. The percentage of time reported by clerical/support staff as spent on IV-D activities shall be adjusted annually based on the results of any time studies conducted in that year.

III. ESTIMATED REIMBURSEMENT

DIRECT EXPENSE:

The estimated reimbursement for the direct expense of the marital masters shall be \$0 for SFY 2021, \$0 for SFY 2022, \$0 for SFY 2023 and \$0 for SFY 2024. These figures are based upon the actual current salaries and benefits. Salary and benefits shall be multiplied by an estimated one percent (1%) of IV-D time, and by the current FFP rate of sixty-six percent (66%).

The estimated reimbursement for the direct expense of the referees shall be \$67,079 for SFY 2021, \$67,079 for SFY 2022, \$67,079 for SFY 2023 and \$67,079 for SFY 2024. These figures are based upon the actual current salaries and benefits. Salary and benefits shall be multiplied by an estimated thirty-five percent (35%) IV-D time, and by the current FFP rate of sixty-six percent (66%).

The estimated reimbursement for the direct expense of the administrators shall be \$2,579 for SFY 2021, \$2,579 for SFY 2022, \$2,579 for SFY 2023 and \$2,579 for SFY 2024. These figures are based upon the actual current salaries and benefits. Salary and benefits shall be multiplied by an estimated IV-D time of four percent (4%), and by the current FFP rate of sixty-six percent (66%).

INDIRECT EXPENSE:

The estimated reimbursement for the indirect expenses of clerical/support staff salaries and benefits shall be \$663,959 for SFY 2021, \$663,959 for SFY 2022, \$663,959 for SFY 2023 and \$663,959 for SFY 2024. These figures are based upon the annualized salaries and benefits expense from December, 2019. The result is multiplied by fifty-three point thirty-one percent (53.31%), the percentage of domestic case time and twenty point seven percent (20.07%), the time spent on IV-D activities, and by sixty-six percent (66%), the current FFP rate. Estimates used are based on the most current (June, 2019) time studies.

SERVICES AND COMMODITIES:

The estimated reimbursement for the indirect expenses of services and commodities shall be \$98,554 for SFY 2021, \$98,554 for SFY 2022; \$98,554 for SFY 2023 and \$98,554 for SFY 2024. These figures are derived by multiplying the total cost pool of indirect expenses of services and commodities by the ratio of marital masters and referees to the total number of judicial officers, currently ten point one percent (10.1%), then multiplying by nineteen point eight percent (19.8%), the estimated judicial time on IV-D cases, multiplied by sixty-six percent (66%) FFP rate.

The State's indirect costs, pursuant to RSA 124:11, are not recoverable.

The actual expenses shall be reviewed semi-annually by the AOC and DCSS to monitor that such expenses are within the amount budgeted herein.

The Agreement shall be amended to reflect the adjustment to the estimated reimbursements in the event that any additional marital masters, child support referees or case managers are hired during the term of the contract.

DCSS has the right to refuse reimbursement for any costs, which are, or may become, prohibited by federal or state law.

IV. FISCAL RESPONSIBILITY

The AOC hereby agrees to reimburse BCSS for any payments withheld from BCSS, adjustments made in funds otherwise due BCSS, or fines imposed by the U.S. Department of Health and Human Services (hereinafter HHS), due to any expenditures claimed by the AOC and paid pursuant to this Agreement that are later determined to be improper. The reimbursement shall only be required in situations where AOC failed to comply with the terms of this Agreement. Such reimbursement shall not be required for payments withheld or adjustments made, or fines imposed due to the failure of BCSS to comply with the terms of this Agreement. AOC agrees to reimburse BCSS for any expenditures under this Agreement which are determined as a result of an audit by BCSS, HHS or any authorized entity to be attributed to: (1) Services to ineligible individuals; (2) ineligible services; (3) ineligible indirect costs, the AOC may be liable for any disallowance or charges; or (4) any other claims which are inconsistent with the provisions of this Agreement.

If BCSS and/or AOC determine that any withholding, adjustment, or fine imposed by HHS due to AOC noncompliance, is erroneous or improper for any reason, BCSS and AOC shall evaluate the merits of an appeal and may pursue an appeal through appropriate avenues. BCSS and AOC shall jointly decide whether to file, pursue, and/or continue any such appeal. Should there be disagreement on this issue the Office of the Attorney General shall be consulted and its determination shall be final and binding and shall not be subject to judicial review or administrative procedures. AOC shall be responsible for all litigation costs incurred. AOC shall return funds required to be returned under this section no later than thirty (30) days following BCSS' request for its

return. However, if an appeal is requested within that thirty (30) day period, the AOC will not be responsible for returning funds until thirty (30) days after such appeal has been completed and denied, or not until a fiscal sanction has been imposed by HHS, whichever occurs first.

V. CONFIDENTIALITY

This agreement does not authorize access to any records or documents by court personnel or authorized BCSS employees other than what is already authorized by current job responsibilities, nor does it provide access to such records or documents by any other person(s). All information, records and documents received relating to IV-D cases shall be safeguarded in accordance with relevant federal and state statutes and regulations, including 42 USC §654 (26); RSA 161-B: 7, III, except as otherwise permissible under Chapter 91-A or court order.

Only authorized representative(s) of the United States Government, the State Office of Legislative Budget Assistant Audit Division, and authorized representatives of BCSS and court personnel shall have the right to inspect and examine records or documents pursuant to this Agreement to the extent authorized by law and/or federal and state regulations. Any such authorized person(s) must provide reasonable notice and presentation of proper credentials or identification.

VI. EFFECTIVE DATES

This Agreement shall be effective upon approval by Governor and Executive Council and shall terminate on June 30, 2024. Services under this Agreement shall begin on July 1, 2020.

Documented services provided during any Federal Fiscal Quarter in which this Agreement is effective shall be reimbursable pursuant to 45 CFR §304.21 (d).

This Agreement may be amended at any time during its term by written agreement of both parties.

VII. TERMINATIONS

Should the AOC or the CCFD breach or fail to meet any terms and/or conditions of this contract, including:

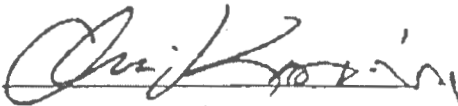
1. Failure to meet time frames in expedited process program standards; or
2. Failure to take corrective action as defined in paragraph II, section B.4 above; or
3. Failure to maintain and/or provide required records and documentation; or
4. Failure to participate in local liaison or administrative liaison meetings pursuant to paragraph II, section C.1 above; or
5. Failure to meaningfully participate in the IV-D Training, or IV-D Program Development Workgroup pursuant to paragraph II, sections C.2, and C.3 above;

then BCSS may, at its option, refuse reimbursement for the month in which the breach occurred, refuse reimbursement for the month in which corrective action was to take place, or terminate the contract.

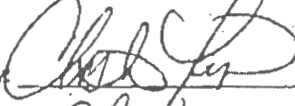
This Agreement may be terminated at any time during its term by written agreement of both parties.

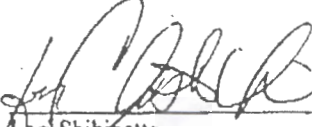
IN WITNESS WHEREOF, by signature below, the Supreme Court by its duly authorized agent and BCSS, by its duly authorized agent have executed this Agreement:

State Of New Hampshire
Administrative Office of the Courts

By: 
Name: Chris Kearney
Title: DIRECTOR
Date: 5/19/20

State Of New Hampshire
Bureau Of Child Support Services

By: 
Name: Christie Tappan
Title: Associate Commissioner
Date: 5/22/2020


Lori Shihnette
Commissioner
Date: 5/22/2020

The preceding, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

June 2, 2020

Date

Christopher Marshall

Name:
Title:

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on:
_____ (date of meeting)

OFFICE OF THE SECRETARY OF STATE

Date

Name:
Title:

Exhibit A

IV-D Projected Budget for FY2021, FY2022, FY2023 and FY2024

Direct Expenses	Per Year Expenditures for FY21-24	Estimated IV-D %	FFP	Estimated Reimbursement per year
Marital Master	-	1.0%	0.66	-
Referees	290,386	35.0%	0.66	67,079
Administrators	97,700	4.0%	0.66	2,579
Direct Total	388,086			69,658
Indirect Expenses				
Clerical Staff	9,402,458	10.7%	0.66	663,959
Services & Commodities				
Facilities	3,284,702			43,358
Postage, Printing & Supplies	458,587			6,053
Equipment Rental	174,894			2,309
Maintenance Contracts	150,853			1,991
Equipment Purchases	307,652			4,061
Telephone	404,004			5,333
Library	140,772			1,858
Travel	258,308			3,410
Sheriff Reimbursement	1,692,224			22,337
Interpreters	594,203			7,843
Services & Commodities Total	7,466,199	2.0%	0.66	98,554
Indirect Total	16,868,657			762,513
Total Actual Expenditures	17,256,742			832,172

* Note Marital Masters will be phased out and Call Center is not included

SUMMARY OF TIME STUDY

The methods and procedures governing time study reporting of the child support activity are outlined below:

Personnel Required to Report

The identification of personnel required to participate in the time study process and the tasks subject to time study examination reflect the full involvement of clerical support staff for masters and referees who process IV-D related cases. This includes clerical staff, case managers, and their direct supervisors who work on cases as well as supervise subordinates. Law clerks, and the senior law clerk that has the ultimate responsibility for management of the office, were not included in the study, as it would have been prohibitive in terms of the time and effort required to capture useful data.

Reporting Period

These time studies that provided a baseline determining the amount of time spent in processing IV-D cases were done over a two-week period in several courts for purposes of figuring cost allocation. These same studies should be reviewed again so that procedures that were noted "unknown" relative to IV-D status may be researched and a value assigned to these cases. This will enable the Department to project the expected number of cases that will become IV-D even if they entered the system as "unknown". In addition, a certain number of "non-IV-D" cases would be expected to convert to IV-D. Again, these cases would have to be pulled and studied to determine any change in IV-D status.

Preparation of Time Study Reports

A Time Log was developed to be used in gathering data for time study reporting. The form was designed to identify the amount of time each reporting staff member spends in the performance of a variety of functions during the course of a normal business day. The activities are then allocated to one of the three (3) categories of IV-D status, "yes", "no", or "unknown" for the purpose of determining costs of the IV-D related portion of the operation.

A listing of the tasks to be itemized on the time study report form and instructions for the preparation of the form follow:

- A = Enter Case
- B = Order of Notice
- C = Hearing Notices
- D = Notice of Decision
- E = Scheduling
- F = Phone
- G = Counter
- H = Docketing and Correspondence
- I = Closing
- L = General Office/Staff Support
- M = Pulling Mail/Dockets/Filing

General Instructions

1. The Time Log must be completed daily by those staff members designated as time study personnel. The reports are to be reviewed by the unit supervisor for the completeness and accuracy and collected daily. They should be forwarded to the Administrative Office of the Courts weekly.

Exhibit B

2. A Time Log should be filed when the staff members designated as time study personnel are absent from work part or all of the day due to sick time, vacation leave, personal leave or other authorized leave.
3. The daily Time Log must be reviewed for completeness and accuracy and signed by each reporting staff member each day and submitted to the unit supervisor.
4. The Time Log should accurately represent the activity of the reporting staff member during the specific review period. No attempt should be made to structure the data to portray an individual's perception of the proper allocation of work time activity.

Instructions for Completion of Reporting Form

1. Reporting requires that daily activity is to be reduced to five (5) minute reporting periods. No period of time less than five (5) minutes will be used for the purposes of this report. It is acceptable to lump several cases under one five (5) minute time block when tasks take only a few seconds to complete.
2. The reporting form does not require that daily activities be reported in the time sequence in which they were performed during the day. However, it is strongly recommended, given the number of cases processed daily that staff complete logs, including the docket number of each case worked on, as the task is completed.
3. The activities or work tasks have been listed for staff to categorize their activity. In addition, they are asked to judge whether the work is IV-D related, is not (and is not likely to be) IV-D related, or whether it is unknown that the work is IV-D related. Also, they are asked to report the status of each case on which they are working. That is, is it a new entry, a new case process, or an old case that has been brought forward? Workers should write the proper task code in one of these columns.
4. The time study report assumes a seven and one-half (7.5) hour work day, but work activities performed during overtime hours should be reported as well. Authorized non-productive activities, such as lunch period or administrative time that cannot be categorized, should be entered at the bottom of the log sheet.

New Hampshire Judicial Branch
IV-D Reporting Log - Name _____
Month/Year: _____

Date	County	Case Name	Docket #	NECES #	Time (In Minutes)	Rate / Minute	FFP	Reimbursement Amount (Min x Rate x FFP)
						\$ 1.01	0.66	\$
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
						1.01	0.66	-
MONTHLY TOTALS					0			\$

 Signature

 Date