

45 CFR Parts 303 and 304

Child support, Grant programs/social programs, Reporting and record keeping requirements.

45 CFR Part 307

Child support, Computer technology, Grant programs/social programs, Reporting and record keeping requirements.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program)

Dated: October 28, 2002.

Wade F. Horn,

Assistant Secretary for Children and Families.

Approved: January 30, 2003.

Tommy G. Thompson,
Secretary.

■ For the reasons discussed above, we are adopting the interim final rule published at 64 FR 6237, February 9, 1999, amending 45 CFR parts 301, 302, 303, 304, and 307 as a final rule with the following changes:

PART 301—STATE PLAN APPROVAL AND GRANT PROCEDURES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 664, 666, 667, 1301, and 1302.

§ 301.1 [Amended]

■ 2. § 301.1 is amended as follows:

(a) In the definition “Non-title IV–A Medicaid recipient”, the words “Non-title IV–A” in the heading are revised to read “Non-IV–A”;

(b) The definition for “Overdue support” is amended by removing “absent parent’s” and adding “noncustodial parent’s” in its place; and

(c) The definition for “State PLS” is amended by removing “absent” before “parents”.

PART 302—STATE PLAN REQUIREMENTS

■ 3. The authority citation for part 302 is revised to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 1396(k).

§ 302.31 [Amended]

■ 4. In § 302.31, reserved paragraph (a)(3) is removed and paragraph (a)(4) is redesignated as paragraph (a)(3).

§ 302.32 [Amended]

■ 5. In § 302.32:

■ a. Paragraph (b)(1) is amended by revising “initial point” to read “date”;

■ b. Paragraph (b)(2)(ii) is amended by revising “initial receipt in the State” to read “receipt by the SDU”;

■ c. Paragraph (b)(2)(iii) is amended by revising “initially received in the State” to read “received by the SDU”; and

■ d. Paragraph (b)(3)(i) is amended by revising “initial receipt in the State” to read “receipt by the SDU”.

§ 302.35 [Amended]

■ 6. In § 302.35:

■ a. Paragraph (c)(2) is amended by revising “an noncustodial parent” to read “a noncustodial parent and by revising “agency” to read “agent”; and

■ b. Paragraph (c)(4) is amended by removing “, visitation” and adding “or visitation” after “custody”.

§ 302.50 Assignment of rights to support.

■ 7. In § 302.50:

■ a. The heading is revised;

■ b. Paragraph (b)(2) is amended by removing “; or” at the end of the paragraph and adding a “.”.

§ 302.51 [Amended]

■ 8. In § 302.51, paragraph (a)(3) is amended by revising “section 457(a)(2)(iv) of the Act” to read “section 457(a)(2)(B)(iv) of the Act”.

§ 302.54 [Amended]

■ 9. In § 302.54:

■ a. In paragraph (a)(1), the citation “paragraph (c)” is removed and “paragraph (b)” is added in its place;

■ b. In paragraph (b)(1)(ii), “paragraph (b)(2)” is removed and “paragraph (a)” is added in its place; and

■ c. In paragraph (b)(2), “(b)(1)” is removed and “(a)(1)” is added in its place and “(b)(2)” is removed and “(a)(2)” is added in its place.

§ 302.65 [Amended]

■ 10. In § 302.65, paragraph (c)(7) is amended by removing “criteria” and adding “criteria” in its place.

§ 302.70 [Amended]

■ 11. In § 302.70:

■ a. Paragraph (a)(4) is amended by removing “§ 303.103 of this chapter”;

■ b. Paragraph (a)(5)(ii) is amended by removing “under §§ 232.40 through 232.49 of this title” or 42 CFR 433.147” and adding “under section 454(29) of the Act”;

■ c. Paragraph (a)(6) is amended by removing “an noncustodial parent” and adding “a noncustodial parent”;

■ d. Paragraph (a)(7) is amended by removing “an noncustodial parent” and adding “a noncustodial parent” in its place, and by removing “, in accordance with § 303.105 of this chapter”;

■ e. Paragraph (a)(8) is amended by removing “wages” and adding “income” in its place;

■ f. Paragraph (c) is amended by removing “§§ 303.100 through 303.105

of this chapter” and adding “§§ 303.100 through 303.102 and § 303.104 of this chapter” in its place.

§ 302.75 [Amended]

■ 12. In § 302.75, paragraph (b)(6) is amended by removing “§ 305.50” and adding “§ 304.50” in its place.

PART 303—STANDARDS FOR PROGRAM OPERATIONS

■ 13. The authority citation for part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

§ 303.7 [Amended]

■ 14. In § 303.7:

■ a. Paragraph (b)(1) is revised to read as follows:

* * * * *

(b) * * *

■ (1) Use its long arm statute to establish paternity, when appropriate.;

* * * * *

■ b. Paragraph (b)(2) is amended by revising “wage” to read “income”;

■ c. Paragraph (c)(7)(ii) is amended by removing “§§ 303.4 and 303.101 of this part and § 303.31 of this chapter” and adding “§§ 303.4, 303.31 and 303.101 of this part” in its place;

■ d. Paragraph (c)(7)(iii) is amended by removing “§§ 303.6 and 303.100 through 303.102 and 303.104 of this part and § 303.31 of this chapter” and adding “§§ 303.6, 303.31, 303.100 through 303.102, and 303.104 of this part” in its place;

■ 15. Section 303.8 is revised to read as follows:

§ 303.8 Review and adjustment of child support orders.

(a) Definition. For purposes of this section, *Parent* includes any custodial parent or noncustodial parent (or for purposes of requesting a review, any other person or entity who may have standing to request an adjustment to the child support order).

(b) Required procedures. Pursuant to section 466(a)(10) of the Act, when providing services under this chapter:

(1) The State must have procedures under which, every 3 years (or such shorter cycle as the State may determine), upon the request of either parent, or, if there is an assignment under part A, upon the request of the State agency under the State plan or of either parent, the State shall with respect to a support order being enforced under this part, taking into account the best interests of the child involved: