Program Development Plan Work Aid

A program development plan (PDP) describes the specific steps a Tribe or Tribal organization will take to meet the requirements in [45 CFR 309.65(a)](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-309/subpart-C/section-309.65#p-309.65(a)) and the timeframe associated with each step. This work aid helps in preparing the program development plan by providing space to take notes and track each task with a timeline. It is organized by the 14 required elements and notes which regulations require Tribal codes or laws and which ones are required in Tribal child support program policies and procedures.

**Use the information from this work aid to draft the PDP for your start-up application packet. Contact your OCSS Regional Program Office for more guidance.**

**[45 CFR 309.65](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-309/subpart-C/section-309.65)**

**What must a Tribe or Tribal organization include in a Tribal IV-D plan to show its capacity to run a Tribal IV-D program?**

1. [Description of Population](#_Description_of_Population)
2. [Procedures for Accepting Applications](#_Procedures_for_Accepting)
3. [Due Process Protections](#_Due_Process_Protections)
4. [Administrative and Management Procedures](#_Administrative_and_Management)
5. [Safeguarding Procedures](#_Safeguarding_Procedures_-)
6. [Record Maintenance](#_Records_Maintenance_-)
7. [Tribal Laws, Codes, Regulations, and Other Evidence](#_Tribal_Laws,_Codes,)
8. [Procedures for Locating Noncustodial Parents](#_Procedures_for_Locating)
9. [Procedures for Establishment of Paternity](#_Procedures_for_Establishing)
10. [Guidelines for Establishment and Modification of Child Support Obligations](#_Guidelines_for_Establishing)
11. [Procedures for Income Withholding](#_Procedures_for_Income)
12. [Procedures for Distribution of Child Support](#_Procedures_for_the)
13. [Procedures for Intergovernmental Case Processing](#_Procedures_for_Intergovernmental)
14. [Tribally-determined Performance Targets](#_Tribally-determined_Performance_Tar)

**More Items for Consideration: Requirements for Optional Computerized Tribal System and Optional Locate and Enforcement Tools:**

1. [Computerized Tribal IV-D Systems and Office Automation](#_Requirements_for_Optional)
2. [Optional Program Development Plan - Requirements and Regulation Work Aid Locate and Enforcement Tools](#_Optional_Locate_and)

## ****Example****

This is an example of how the work aid could help you think through each required element and create your PDP.

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | |
| Explain in the PDP the following information:   * Does your Tribe have an existing application for services that can be modified?   + Can an existing application be modified? * Do you need to create a new application for services for your program?   + Research other Tribal child support programs’ applications. * **NOTE**: Note the requirements for federal tax refund offset if the Tribe desires to use this optional enforcement remedy (see [PIQ-18-03](https://www.acf.hhs.gov/css/policy-guidance/federal-tax-refund-offset-administrative-offset-and-passport-denial-tribes), question 6). | * Tribe has a TANF Program which has a program application.   + I’m not sure if it has all of the fields required for the child support application. | **NEXT STEPS**:   * Contact other Tribal programs to review their child support application * Compare child support applications to my current TANF application * Draft application based on research | **TIMEFRAME**:   * 3 months * 3 months * 3 months |
| * When an application for services is received, what are the policies and procedures?   + Determine if the Tribe has a current policy and procedural requirement.   + Draft Policies and procedures for caseworkers to accept applications.   + Make certain to accept **ALL** child support applications. | * Tribal TANF has procedures for working cases. | * Contact TANF to obtain policies and procedures * Research other child support programs * Draft policies and procedures for child support caseworkers | * 3 months * 6 months * 12 months |
| **OPTIONAL: Begin to consider options for managing, tracking, and reporting case data. (ex. Office automation, Microsoft Office Products, Model Tribal System (MTS), or other vendor supported systems)** |  |  |  |

## Description of Population - §309.65(a)(1)

A Tribe or Tribal organization must provide a description of the population subject to the jurisdiction of the Tribal court or administrative agency for child support purposes as specified under [*§309.70*](https://www.ecfr.gov/current/title-45/section-309.70).

Additionally, [*45 CFR 309.10*](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-309#309.10) requires a certification that there are at least 100 children under the age of majority in the population subject to the jurisdiction of the Tribal court or administrative agency, unless waived by OCSS under [*45 CFR 309.10*](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-309#309.10)*(c)*.

REMINDER: **This must be addressed in the program development plan.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | |
| Explain in the PDP the following information:   * Describe the population subject to the jurisdiction of the Tribal court or administrative agency. |  | **NEXT STEPS**: | **TIMEFRAME**: |
| * Determine if there are at least 100 children under the age of majority within the Tribe’s jurisdiction and provide a description. (This may include non-Tribal residents of the reservation, or non-Indian residents of the reservation and non-members employed by the Tribe.) |  |  |  |

## Procedures for Accepting Applications - §309.65(a)(2)

A Tribe or Tribal organization must provide evidence that it has in place procedures for accepting all applications for IV-D services and promptly providing IV-D services required by law and regulation.

REMINDER: **This must be addressed in the program development plan.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| Explain in the PDP the following information:   * Does your Tribe have an existing application for services that can be modified?   + Can an existing application be modified? * Do you need to create a new application for services for your program?   + Research other Tribal child support programs’ applications. * **NOTE**: Note the requirements for federal tax refund offset if the Tribe desires to use this optional enforcement remedy (see [PIQ-18-03](https://www.acf.hhs.gov/css/policy-guidance/federal-tax-refund-offset-administrative-offset-and-passport-denial-tribes), question 6). |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * When an application for services is received, what are the policies and procedures?   + Determine if the Tribe has a current policy and procedural requirement.   + Draft Policies and procedures for caseworkers to accept applications. * Make certain to accept **ALL** child support applications. |  |  |  |
| **OPTIONAL: Begin to consider options for managing, tracking, and reporting case data. (ex. Office automation, Microsoft Office Products, Model Tribal System (MTS), or other vendor supported systems)** |  |  |  |

## Due Process Protections - §309.65(a)(3)

A Tribe or Tribal organization must provide assurance that the due process rights of the individuals involved will be protected in all activities of the Tribal IV-D program, including establishment of paternity, and establishment, modification, and enforcement of support orders.

REMINDER: **This must be addressed in the program development plan.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| Explain in the PDP the following information:   * Does the Tribe have due process procedures?   + Research other Tribal child support programs’ due process procedures.   + Review existing Tribal due process procedures and determine how the Tribe will make sure that rights are protected for paternity establishment, and the establishment, modification, and enforcement of child support orders. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * How will the Tribe implement current due process procedures into its child support activities? |  |  |  |
| * Will you need to draft new policies and procedures specifically for child support? |  |  |  |

## Administrative and Management Procedures - §309.65(a)(4)

Administrative and management procedures as specified under [§309.75](https://ecfr.io/Title-45/Section-309.75), which states the following:

A Tribe or Tribal organization must include in its Tribal IV-D plan the administrative and management provisions contained in this section:

1. A description of the structure of the IV-D agency and the distribution of responsibilities within the agency.
2. Evidence that all Federal funds and amounts collected by the Tribal IV-D agency are protected against loss. Tribes and Tribal organizations may comply with this paragraph by submitting documentation that establishes that every person who receives, disburses, handles, or has access to or control over funds collected under the Tribal IV-D program is covered by a bond or insurance sufficient to cover all losses.
3. Procedures under which notices of support collected, itemized by month of collection, are provided to families receiving services under the Tribal IV-D program at least once a year. In addition, a notice must be provided at any time to either the custodial or noncustodial parent upon request.
4. A certification that for each year during which the Tribe or Tribal organization receives or expends funds pursuant to section 455(f) of the Act and this part, it shall comply with the provisions of [chapter 75 of Title 31 of the United States Code](https://www.govinfo.gov/link/uscode/31/7501) (the Single Audit Act of 1984, Pub. L. 98–502, as amended) and [45 CFR part 75, subpart F](https://www.ecfr.gov/current/title-45/part-75/subpart-F).

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
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| Explain in the PDP the following information:   * Where will the Tribal child support program fall within the Tribal government?   + Identify which Tribal division or department will administer the program.   + Research other Tribal programs’, structure and staffing of the program. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * How many staff will be needed to run the program once it is funded?   + These considerations will help inform the number of staff needed: * What is the expected caseload? * Are there orders for support in the existence with Tribal court? * Will there be referrals to the program from Tribal Temporary Assistance for Needy Families (TANF) or child welfare? * Have you met with the state about transferring any cases to the new program? |  |  |  |
| * What roles/responsibilities will these staff members have?   + Develop position descriptions. (ex. case manager, financial specialist, intake specialist, etc.)   + Determine salaries and benefits for each position. |  |  |  |
| * What other staffing considerations do you need to account for?   + Timelines for when you will bring on staff   + Develop and plan for the trainings staff will receive   + Timelines for onboarding and training staff |  |  |  |
| * Is the current Tribal insurance and bonding sufficient?   + Explain in the PDP how the Tribe will protect IV-D funds against loss.   + Provide a copy of the insurance/bonding document. |  |  |  |
| * Does the Tribe currently have a program that provides financial statements or notices?   + Review existing Tribal programs policies and procedures for financial data collection and notices.   + Develop policies and procedures for giving notices of support collected, itemized by month of collection. Provide to families receiving services at least annually and upon request of custodial parent (CP) or noncustodial (NCP).   + Determine how often notices will be provided, minimum of once per year and upon request of the parent.   + Determine how notices will be given to clients. * Manually/mail * Electronically/email * Other   + Design notice of support collected, itemized by month of collection. |  |  |  |
| * How will the Tribe keep records and confirm compliance of the Single Audit (A133) for receiving and/or spending Federal funds (chapter 75 of title 31 of US code and 45 CFR 75 subpart F)?   + Explore the way your Tribe audits other Federal or State grants. |  |  |  |

## Safeguarding Procedures - §309.65(a)(5)

Safeguarding procedures as specified under [§309.80](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_180), which states the following:

A Tribe or Tribal organization must include in its Tribal IV-D plan safeguarding provisions in accordance with this section:

1. Procedures under which the use or disclosure of personal information received by or maintained by the Tribal IV-D agency is limited to purposes directly connected with the administration of the Tribal IV-D program, or titles IV-A and XIX with the administration of other programs or purposes prescribed by the Secretary in regulations.
2. Procedures for safeguards that are applicable to all confidential information handled by the Tribal IV-D agency and that are designed to protect the privacy rights of the parties, including:
3. Safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish, modify or enforce support;
4. Prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered;
5. Prohibitions against the release of information on the whereabouts of one party or the child to another person if the Tribe has reason to believe that the release of the information to that person may result in physical or emotional harm to the party or child; and
6. Procedures in accordance with any specific safeguarding regulations applicable to Tribal IV-D programs promulgated by the Secretary.
7. Procedures under which sanctions must be imposed for the unauthorized use or disclosure of information covered by paragraphs (a) and (b) of this section.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
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| Explain in the PDP the following information:   * Does your Tribe currently have safeguarding policies in place that meet the child support requirements?   + Research current Tribal safeguarding procedures. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Do you need to develop more safeguarding procedures for the Tribal child support program?   + Research your Tribe’s existing Federal grants that require safeguarding of information procedures.   + Research your State’s child support programs safeguarding information procedures.   + Research other Tribal child support programs safeguarding of information procedures.   + Research and develop sanctions for breach of safeguarding procedures (see [IM-19-03](https://www.acf.hhs.gov/css/policy-guidance/irs-requirements-tribes-accessing-federal-tax-information)). * **NOTE**: Tribes and Tribal organizations may want to consider optional enforcement remedies which require more safeguarding procedures (see [PIQ-18-03](https://www.acf.hhs.gov/css/policy-guidance/federal-tax-refund-offset-administrative-offset-and-passport-denial-tribes) and [IM-16-03](https://www.acf.hhs.gov/css/policy-guidance/information-tribal-access-fpls)). |  |  |  |
| * How will the Tribe ensure cases with a family violence indicator are kept confidential?   + Research [Enhancing Safe Access to Child Support](https://www.acf.hhs.gov/sites/default/files/documents/ocse/enhancing_safe_access_inventory.pdf) for more information.   + Research other State or Tribal child support programs family violence safeguarding procedures. |  |  |  |
| * How will your Tribe ensure your employees maintain confidentiality?   + Research other child support programs policies and procedures to maintain confidentiality. |  |  |  |

## Records Maintenance - §309.65(a)(6)

Assurance that the Tribe or Tribal organization will maintain records as specified under [§309.85](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_185), which states the following:

A Tribal IV-D plan must provide that:

1. The Tribal IV-D agency will maintain records necessary for the proper and efficient operation of the program, including records regarding:
2. Applications for child support services;
3. Efforts to locate noncustodial parents;
4. Actions taken to establish paternity and obtain and enforce support;
5. Amounts owed, arrearages, amounts and sources of support collections, and the distribution of such collections;
6. IV-D program expenditures;
7. Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary.
8. The Tribal IV-D agency will comply with the retention and access requirements at 45 CFR 75.361 through 75.370, including the requirement that records be retained for at least three years.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
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| Explain in the PDP the following information:   * What type of case management system will you use?   + **NOTE**: Depending on what type of system you use will guide records maintenance decisions. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * How will you maintain Tribal child support records?   + Research existing Tribal records maintenance procedures.   + Research existing Tribal child support records maintenance procedures.   + Create records maintenance procedures.     - Where will the records be located?     - How will they be stored (physically/electronically)?     - How will case files be organized? |  |  |  |
| * How will the Tribe track and keep statistical reporting data? |  |  |  |
| * How will the Tribe track and retain the fiscal information and records?   + Program expenditures ([SF-425](https://www.acf.hhs.gov/css/form/sf-425-federal-financial-report))   + Program case accountings ([OCSE-34](https://www.acf.hhs.gov/css/resource/form-ocse-34-quarterly-collections-report) and [75](https://www.acf.hhs.gov/css/form/form-ocse-75-tribal-annual-data-report-form-and-instructions)) |  |  |  |

## Tribal Laws, Codes, Regulations, and Other Evidence - §309.65(a)(7)

Copies of all applicable Tribal laws and regulations as specified under [§309.90](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_190), which states the following:

1. A Tribe or Tribal organization must include in its Tribal IV-D plan Tribal law, code, regulations, and/or other evidence that provides for:
2. Establishment of paternity for any child up to and including at least 18 years of age;
3. Establishment and modification of child support obligations;
4. Enforcement of child support obligations, including requirements that Tribal employers comply with income withholding as required under [§309.110](https://www.ecfr.gov/current/title-45/section-309.110); and
5. Location of custodial and noncustodial parents.
6. In the absence of written laws and regulations, a Tribe or Tribal organization may provide in its plan detailed descriptions of any Tribal custom or common law with the force and effect of law which enables the Tribe or Tribal organization to satisfy the requirements in paragraph (a) of this section.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
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| Explain in the PDP the following information:   * Are there current Tribal family law/codes that may be applicable for child support purposes?   + Research existing child support laws in other Tribal child support programs.   + Draft laws and regulations based on research. * **NOTE**: Factor in how long it will take to get laws passed/codified. |  | **NEXT STEPS**: | **TIME**: |
| * Are there existing Tribal laws and regulations for the establishment of paternity for any child **up to and including** 18 years of age?   + Research State and Tribal laws on **establishing paternity**. |  |  |  |
| * Are there existing Tribal laws and regulations for the establishment of child support orders?   + Research current Tribal law for **establishing child support orders**. |  |  |  |
| * Are there existing Tribal laws and regulations for the modification of child support orders?   + Research current Tribal laws for **modifying** child support orders. |  |  |  |
| * Are there existing Tribal laws and regulations for enforcing child support orders?   + Research current Tribal law for income withholding.     - Does the Tribe have a process in place for collecting debt that may be modified to accommodate income withholding?   + Draft income withholding procedures. |  |  |  |
| * Are there existing Tribal laws and regulations for the location of CP’s and NCP’s?   + Research current Tribal law for **locating** custodial and noncustodial parents.   + Draft laws for locating custodial and noncustodial parents. |  |  |  |
| * Are there unwritten Tribal customs or practices that have the force and effect of law that address the above requirements? |  |  |  |

## Procedures for Locating Noncustodial Parents - §309.65(a)(8)

Procedures for the location of noncustodial parents as specified under [§309.95](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_195), which states the following:

A Tribe or Tribal organization must include in its Tribal IV-D plan the provisions governing the location of custodial and noncustodial parents and their assets set forth in this section.

1. The Tribal IV-D agency must attempt to locate custodial or noncustodial parents or sources of income and/or assets when location is required to take necessary action in a case; and
2. The Tribal IV-D agency must use all sources of information and records reasonably available to the Tribe or Tribal organization to locate custodial or noncustodial parents and their sources of income and assets.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| --- | --- | --- | --- | --- |
| Explain in the PDP the following information:   * Are there current Tribal locate procedures?   + Research locate procedures that exist at your or other Tribes. * **NOTE**: Tools for locating may include: other social service programs; Federal Parent Locator Service (FPLS) (see [IM-16-03](https://www.acf.hhs.gov/css/policy-guidance/information-tribal-access-fpls)); purchased locate services; relatives and friends of custodial and noncustodial parents; current or past employers; the local telephone company; U.S. Postal Service; financial references; unions; fraternal organizations; police, parole, and probation records, as appropriate, and other Tribal programs and entities. * **NOTE:** State agencies may also be helpful: departments which maintain records of public assistance, wages and employment, unemployment insurance, income taxation, drivers’ licenses, vehicle registration, criminal records, and other sources, as appropriate. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Will your Tribe need to establish agreements with various outside agencies for locate services?   + For example, with the State IV-D agency to provide locate services **or** the Office of Child Support Services for FPLS (see [PIQ-05-02](https://www.acf.hhs.gov/css/policy-guidance/applicability-45-cfr-part-303-tribal-iv-d-programs-jurisdiction-and-cooperation)) and the [Resource Library | The Administration for Children and Families (hhs.gov)](https://www.acf.hhs.gov/css/resource-library?&f%5B1%5D=resource_library_tag%3A736) for more information. |  |  |  |
| * Will your Tribe need to establish agreements with various agencies internal to your Tribe for locate services?   + For example, human resources, accounting, natural resources, enrollment, TANF and other social service programs. |  |  |  |
| * Design your Tribe’s locate procedures. |  |  |  |

## Procedures for Establishing Paternity - §309.65(a)(9)

Procedures for the establishment of paternity as specified under [§309.100](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_1100), which states the following:

1. A Tribe or Tribal organization must include in its Tribal IV-D plan the procedures for the establishment of paternity included in this section. The Tribe must include in its Tribal IV-D plan procedures under which the Tribal IV-D agency will:
2. Attempt to establish paternity by the process established under Tribal law, code, and/or custom in accordance with this section;
3. Provide an alleged father the opportunity to voluntarily acknowledge paternity; and
4. In a contested paternity case (unless otherwise barred by Tribal law) require the child and all other parties to submit to genetic tests upon the request of any such party, if the request is supported by a sworn statement by the party -
5. Alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between parties; or
6. Denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.
7. The Tribal IV-D agency need not attempt to establish paternity in any case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending, if, in the opinion of the Tribal IV-D agency, it would not be in the best interests of the child to establish paternity.
8. When genetic testing is used to establish paternity, the Tribal IV-D agency must identify and use accredited laboratories which perform, at reasonable cost, legally and medically-acceptable genetic tests which intend to identify the father or exclude the alleged father.
9. Establishment of paternity under this section has no effect on Tribal enrollment or membership.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
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| Explain in the PDP the following information:   * Does your Tribe have current codes or procedures for paternity establishment?   + Your Tribe may have a Tribal custom. If so, a description of the custom should be included in the PDP.   + Research other Tribe’s paternity establishment procedures. |  | **NEXT STEPS**: | **TIMEFRAMES:** |
| * Will you need to draft or amend paternity establishment law or codes for child support? If yes, be sure to include definitions and processes for:   + Voluntary acknowledgement   + Genetic testing from an accredited laboratory |  |  |  |
| * In circumstances where paternity is contested, what are the procedures for contesting?   + Genetic testing   + Testimony   + Good cause (example: cases involving domestic violence, rape, incest, or not in the best case of the child) |  |  |  |
| * Does your Tribe have genetic testing agreement?   + Is this agreement with an accredited laboratory? (See [IM-97-03](https://www.acf.hhs.gov/css/policy-guidance/accreditation-genetic-testing-labs)) * **NOTE**: Check to see if the state has an agreement with an accredited laboratory to negotiate a lower rate. |  |  |  |
| * **Does paternity establishment affect Tribal enrollment?** * **NOTE**: It is not the intent of the regulation that establishing paternity for child support enforcement will affect Tribal enrollment. |  |  |  |

## Guidelines for Establishing and Modifying Child Support Obligations - §309.65(a)(10)

Guidelines for the establishment and modification of child support obligations as specified under [§309.105](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_1105), which states the following:

* 1. A Tribal IV-D plan must:
     1. Establish one set of child support guidelines by law or action of the tribunal for setting and modifying child support obligation amounts;
     2. Include a copy of child support guidelines governing the establishment and modification of child support obligations;
     3. Indicate whether non-cash payments will be permitted to satisfy support obligations, and if so;

1. Require that Tribal support orders allowing non-cash payments also state the specific dollar amount of the support obligation; and
2. Describe the type(s) of non-cash support that will be permitted to satisfy the underlying specific dollar amount of the support order; and
3. Provide that non-cash payments will not be permitted to satisfy assigned support obligations;
   * 1. Indicate that child support guidelines will be reviewed and revised, if appropriate, at least once every four years;
     2. Provide that there shall be a rebuttable presumption, in any proceeding for the award of child support, that the amount of the award that would result from the application of the guidelines established consistent with this section is the correct amount of child support to be awarded; and
     3. Provide for the application of the guidelines unless there is a written finding or a specific finding on the record of the tribunal that the application of the guidelines would be unjust or inappropriate in a particular case in accordance with criteria established by the Tribe or Tribal organization. Such criteria must take into consideration the needs of the child. Findings that rebut the guidelines must state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines
   1. The guidelines established under [paragraph (a)](https://www.ecfr.gov/current/title-45/section-309.105#p-309.105(a)) of this section must at a minimum:
      1. Take into account the needs of the child and the earnings and income of the noncustodial parent; and
      2. Be based on specific descriptive and numeric criteria and result in a computation of the support obligation.

REMINDER: **This must be addressed in Tribal law or action of the tribunal and the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| --- | --- | --- | --- | --- |
| Explain in the PDP the following information:   * Does your court have current guidelines in Tribal law for **establishing** child support orders?   + Research guidelines at Tribes with similar cost of living indexes and demographics.   + Research your State’s guidelines for appropriateness.   + Consider Tribal customs or practices used when determining parental obligations to children. * **NOTE**: Consider surveying your community for input on your Tribe’s obligation amounts. * **NOTE**: See 45 CFR 309.105(b)(1) and (2) |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Does your court have current guidelines in Tribal law for **modifying** child support orders?   + Research guidelines at Tribes with similar cost of living indexes and demographics.   + Research your State’s guidelines for appropriateness.   + Consider Tribal customs or practices used when determining parental obligations to children. * **NOTE**: Consider surveying your community for input on your Tribe’s obligation amounts. * **NOTE**: See 45 CFR 309.105(b)(1) and (2) |  |  |  |
| * Is non-cash support appropriate for the Tribe and its community?   + If accepting non-cash support payments, determine what type. (Examples may include deer or fish from hunting and fishing, firewood, child care, auto repair, home repair, etc.)   + Include specific dollar amount for the types of non-cash support payment accepted. * **NOTE**: Non-cash payments cannot be used for assigned arrears support obligations. |  |  |  |
| * Does your Tribal code state that you will review and revise, if appropriate, your guidelines every four years? |  |  |  |
| * How will your Tribe manage deviations away from the guidelines?   + Allow for statements of support for deviations from guidelines (rebuttal presumption) |  |  |  |

## Procedures for Income Withholding - §309.65(a)(11)

Procedures for income withholding as specified under [§309.110](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_1110), which states the following:

A Tribe or Tribal organization must include in its Tribal IV-D plan copies of Tribal laws providing for income withholding in accordance with this section.

* + - * 1. In the case of each noncustodial parent against whom a support order is or has been issued or modified under the Tribal IV-D plan, or is being enforced under such plan, so much of his or her income, as defined in [§ 309.05](https://www.ecfr.gov/current/title-45/section-309.05), must be withheld as is necessary to comply with the order.
        2. In addition to the amount to be withheld to pay the current month's obligation, the amount withheld must include an amount to be applied toward liquidation of any overdue support.
        3. The total amount to be withheld under [paragraphs (a)](https://www.ecfr.gov/current/title-45/section-309.110#p-309.110(a)) and [(b)](https://www.ecfr.gov/current/title-45/section-309.110#p-309.110(b)) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act ([15 U.S.C. 1673(b)](https://www.govinfo.gov/link/uscode/15/1673)), but may be set at a lower amount.
        4. Income withholding must be carried out in compliance with the procedural due process requirements established by the Tribe or Tribal organization.
        5. The Tribal IV-D agency will promptly refund amounts which have been improperly withheld.
        6. The Tribal IV-D agency will promptly terminate income withholding in cases where there is no longer a current order for support and all arrearages have been satisfied.
        7. If the employer fails to withhold income in accordance with the provision of the income withholding order, the employer will be liable for the accumulated amount the employer should have withheld from the noncustodial parent's income.
        8. Income shall not be subject to withholding in any case where:

Either the custodial or noncustodial parent shows, and the tribunal enters a finding, that there is good cause not to require income withholding; or

A signed written agreement is reached between the noncustodial and custodial parent, which provides for an alternative arrangement, and is reviewed and entered into the record by the tribunal.

* + - * 1. Where immediate income withholding is not in place, the income of the noncustodial parent shall become subject to withholding, at the earliest, on the date on which the payments which the noncustodial parent has failed to make under a Tribal support order are at least equal to the support payable for one month.
        2. The only basis for contesting a withholding is a mistake of fact, which for purposes of this paragraph, means an error in the amount of current or overdue support or in the identity of the alleged noncustodial parent.
        3. Tribal law must provide that the employer is subject to a fine to be determined under Tribal law for discharging a noncustodial parent from employment, refusing to employ, or taking disciplinary action against any noncustodial parent because of the withholding.
        4. To initiate income withholding, the Tribal IV-D agency must send the noncustodial parent's employer a notice using the standard Federal income withholding form.
        5. The Tribal IV-D agency must allocate withheld amounts across multiple withholding orders to ensure that in no case shall allocation result in a withholding for one of the support obligations not being implemented.
        6. The Tribal IV-D agency is responsible for receiving and processing income withholding orders from States, Tribes, and other entities, and ensuring orders are properly and promptly served on employers within the Tribe's jurisdiction.

REMINDER: **This must be addressed in the program development plan and Tribal law.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| Explain in the PDP the following information:   * Does your Tribe have existing laws for income withholding?   + Research other Tribe’s procedures and notices for income withholding.   + These procedures must include distributions of monies towards current support and arrears. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Income withholding laws, procedures, and orders must include:   + Distribution of monies towards current support and arrears   + Can only be the maximum amount permitted   + Due process   + Process for refunding improperly withheld monies   + Terminating income withholding when there is no longer a current order for support and all arrearages have been satisfied.   + Provisions for holding the employer liable for cases that orders are not followed   + Not withholding income in cases of good cause or alternate agreement   + Process for withholding income when the NCP does not pay the order and it is one month in arrears   + Limited basis for contesting   + Consequences if an employer terminates an employee for having an income withholding order   + Use of Federal income withholding form   + Allocate appropriately across multiple orders (m)   + Ensuring that income withholding orders from other entities are processed and served properly and promptly (be consistent with [Full Faith and Credit for Child Support Order Act](https://www.govinfo.gov/app/details/STATUTE-108/STATUTE-108-Pg4063)) |  |  |  |

## Procedures for the Distribution of Child Support - §309.65(a)(12)

Procedures for the distribution of child support collections as specified under [§ 309.115](https://www.ecfr.gov/current/title-45/section-309.115), which states the following:

A Tribe or Tribal organization must specify in its Tribal IV-D plan procedures for the distribution of child support collections in each Tribal IV-D case, in accordance with this section.

1. General Rule: The Tribal IV-D agency must, in a timely manner:
   1. Apply collections first to satisfy current support obligations, except as provided in paragraph (e) of this section; and
   2. Pay all support collections to the family unless the family is currently receiving or formerly received assistance from the Tribal TANF program and there is an assignment of support rights to the Tribe's TANF agency, or the Tribal IV-D agency has received a request for assistance in collecting support on behalf of the family from a State or Tribal IV-D agency.
2. Current Receipt of Tribal TANF: If the family is currently receiving assistance from the Tribal TANF program and has assigned support rights to the Tribe and:
   1. There is no request for assistance in collecting support on behalf of the family from a State or Tribal IV-D agency under [§ 309.120 of this part](https://www.ecfr.gov/current/title-45/part-309/section-309.120), the Tribal IV-D agency may retain collections on behalf of the family, not to exceed the total amount of Tribal TANF paid to the family. Any remaining collections must be paid to the family.
   2. There is a request for assistance in collecting support on behalf of the family from a State or Tribal IV-D agency under § 309.120, the Tribal IV-D agency may retain collections, not to exceed the total amount of Tribal TANF paid to the family. Except as provided in paragraph (f) of this section, the Tribal IV-D agency must send any remaining collections, as appropriate, to the requesting State IV-D agency for distribution under section 457 of the Act and [45 CFR 302.51](https://www.ecfr.gov/current/title-45/section-302.51) or [302.52](https://www.ecfr.gov/current/title-45/section-302.52), or to the requesting Tribal IV-D agency for distribution in accordance with this section.
3. Former Receipt of Tribal TANF: If the family formerly received assistance from the Tribal TANF program and there is an assignment of support rights to the Tribe and:
   1. There is no request for assistance in collecting support from a State or Tribal IV-D agency under [§ 309.120 of this part](https://www.ecfr.gov/current/title-45/part-309/section-309.120), the Tribal IV-D agency must pay current support and any arrearages owed to the family to the family and may then retain any excess collections, not to exceed the total amount of Tribal TANF paid to the family. Any remaining collections must be paid to the family.
   2. There is a request for assistance in collecting support from a State or Tribal IV-D agency under [§ 309.120 of this part](https://www.ecfr.gov/current/title-45/part-309/section-309.120), the Tribal IV-D agency must send all support collected, as appropriate, to the requesting State IV-D agency for distribution under section 457 of the Act or [45 CFR 302.51](https://www.ecfr.gov/current/title-45/section-302.51) and [302.52](https://www.ecfr.gov/current/title-45/section-302.52), or to the requesting Tribal IV-D agency for distribution under this section, except as provided in paragraph (f) of this section.
4. Requests for Assistance from State or Tribal IV-D Agency: If there is no assignment of support rights to the Tribe as a condition of receipt of Tribal TANF and the Tribal IV-D agency has received a request for assistance in collecting support on behalf of the family from a State or another Tribal IV-D agency under [§ 309.120 of this part](https://www.ecfr.gov/current/title-45/part-309/section-309.120), the Tribal IV-D agency must send all support collected to either the State IV-D agency for distribution in accordance with section 457 of the Act and [45 CFR 302.51](https://www.ecfr.gov/current/title-45/section-302.51) and [302.52](https://www.ecfr.gov/current/title-45/section-302.52), or to the Tribal IV-D agency for distribution under this section, as appropriate, except as provided in paragraph (f) of this section.
5. Federal Income Tax Refund Offset Collections: Any collections received based on Federal income tax refund offset under section 464 of the Act and distributed by the Tribal IV-D agency must be applied to satisfy child support arrearages.
6. Option to Contact Requesting Agency for Appropriate Distribution: Rather than send collections to a State or another Tribal IV-D agency for distribution as required under[§ 309.115 (b)(2)](https://www.ecfr.gov/current/title-45/section-309.115#p-309.115(b)(2)), [(c)(2)](https://www.ecfr.gov/current/title-45/section-309.115#p-309.115(c)(2)) and [(d)](https://www.ecfr.gov/current/title-45/section-309.115#p-309.115(d)), a Tribal IV-D agency may contact the requesting State IV-D agency to determine appropriate distribution under section 457 of the Act, or the other Tribal IV-D agency to determine appropriate distribution under this section, and distribute collections as directed by the other agency.

REMINDER: **This must be addressed in the program development plan.**

| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | |
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| * OCSS recommends reviewing training materials in [IM-06-04](https://www.acf.hhs.gov/css/policy-guidance/distribution-tribal-iv-d-cases-trainers-guide-and-participant-guide) and scheduling a meeting with your [regional office](https://www.acf.hhs.gov/css/contact-information/contacts-ocse-regional-offices) to discuss distribution procedures. Training provided on distribution for: Current support, arrears, public assistance assignment of rights for support (Tribal TANF), Kinship Care cases, as requested by other jurisdictions, and more | | | |
| **A Tribe or Tribal organization must specify in its Tribal IV-D plan procedures for the distribution of child support collections in each Tribal IV-D case.** | | | |
| Explain in the PDP the following information:   * Does your Tribe have procedures for collections and timely distribution of child support? * Research other Tribal IV-D agencies policies, procedures and Tribal code for collections and timely distribution. * Research how the Tribe will disburse money   + Tribal financial office   + State Disbursement Unit partnership   + Tribal payment center   + Other * Determine if the distribution will be handled electronically or manually with a check |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| **45 CFR 309.115 (a)(1)(2): General Rule: Tribal IV-D agency must, in a timely manner:** (1) Apply collections first to current support obligations...  (2) Pay all support collections to the family unless the family is currently receiving or formerly received assistance from the Tribal TANF program and there is an assignment of support rights....  **45 CFR 309.115 Tribal IV-D Agency’s procedures for distribution of child support:**  (b) Current Recipient of Tribal TANF  (c) Former Receipt of Tribal TANF  (d) Request for Assistance from State or Tribal IV-D Agency  (e) Federal Income Tax Refund Offset collections  (f) Option to contact requesting agency for appropriate distribution | | | |
| * Develop policy, procedures, and Tribal code to meet the requirement for distribution of child support in:   + Current/former Tribal TANF cases   + Current/arrears cases   + State owed public assistance assignment of support rights   + Federal tax refund offset   + Other appropriate distribution as requested by other jurisdictions |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Does your Tribe have a Tribal TANF program?   + Research other Tribal IV-D Agencies (with Tribal TANF program) policies, procedures and Tribal code for collection and distribution.   + Meet with the Tribal TANF Director to review their current reimbursement/recoupment policy if they have one for public assistance assignment of rights for child support. ([45 CFR 286.155](https://www.ecfr.gov/current/title-45/section-286.155)) |  |  |  |
| * What are your distribution procedures in cases with another jurisdiction’s TANF debt?   + Tribes will want to consider their options in developing policies related to State TANF as the Tribe may serve a family receiving State TANF prior to receiving Tribal TANF assistance   + The Tribe may end up collecting child support owed to at least three different parties – the State – the Tribe – the family   + Consider what portion of the arrears owed in the case are owed to each of these parties |  |  |  |
| * Does your Tribe plan to, by default, distribute all funds to the initiating State or Tribal child support program? Or will you contact the agency requesting distribution instructions for each collection?   + Determine distribution of collections when you are collecting funds on behalf of the initiating agency. |  |  |  |
| * Does your Tribe have policies and procedures for distribution of Federal tax refund offset collections?   + Note: If the collection received comes from a Federal IRS Income Tax refund offset, the collection must be applied to satisfy arrears only |  |  |  |
| **Tribal TANF and the Assignment of Child Support** | | | |
| **Related TANF regulation:** [**45 CFR 286.155**](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-II/part-286/subpart-C/section-286.155)  (a) Tribes have the option to condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe  (b) For Tribes choosing to condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe, the Tribal Family Assistance Plan must address  (1) Procedures for ensuring that child support collections in excess of the amount of Tribal TANF assistance received by the family must be paid to the family  (2) How any amounts generated under an assignment and retained by the Tribe will be used to further the Tribal TANF program | | | |
| * Does your Tribal TANF program require an assignment of child support to the Tribe? ([45 CFR 286.155(a)](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-II/part-286/subpart-C/section-286.155)) * If yes, decide how child support collected will be retained.   + All or a portion of the support collected?   + Retention and pass-through options for Tribes:     - Retain 100% of support collections up to the amount of Tribal TANF paid to the family (total versus total)     - Pass-through some amount or percentage of support collections to the family, and retain the excess     - Pass-through 100% to collections to the family |  |  |  |

## Procedures for Intergovernmental Case Processing - §309.120(a)(13)

Procedures for intergovernmental case processing as specified under [§309.120](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt45.2.309#se45.3.309_1120), which states the following:

A Tribe or Tribal organization must specify in its Tribal IV-D plan:

1. That the Tribal IV-D agency will extend the full range of services available under its IV-D plan to respond to all requests from, and cooperate with, State and other Tribal IV-D agencies; and
2. That the Tribe or Tribal organization will recognize child support orders issued by other Tribes and Tribal organizations, and by States, in accordance with the requirements under the Full Faith and Credit for Child Support Orders Act, [28 U.S.C. 1738B](https://www.govinfo.gov/link/uscode/28/1738B).

REMINDER: **This must be addressed in the program development plan.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | |
| Explain in the PDP the following information:   * Does your Tribe have procedures for working with other State and Tribal child support agencies?   + Research other Tribe’s intergovernmental case processing procedures.   + Establish procedures for intergovernmental case processing. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Does the Tribe have intergovernmental agreements with States or Tribes?   + Meet with State and Tribal child support programs to establish a relationship for case processing.   + Tribe must recognize the Full Faith and Credit for Child Support Orders Act. |  |  |  |

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## Tribally-determined Performance Targets - §309.65(a)(14)

A Tribe or Tribal organization must specify in its Tribal IV-D plan:

Tribally-determined performance targets for paternity establishment, support order establishment, amount of current support to be collected, amount of past-due support to be collected, and any other performance measures the Tribe or Tribal organization may want to submit.

REMINDER: **This must be addressed in the program development plan.**

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| Consider  Things to think about as you develop your plan and tasks for meeting the requirements.   * Questions to think about as you develop your plan   + Suggested tasks to think about to help you answer the questions | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| Explain in the PDP the following information:   * Does your Tribe have policies and procedures to determine performance targets?   + Research other Tribal child support performance targets.   + Meet with Tribal officials to determine what other targets the Tribe would like to monitor.   + Determine performance targets.   + Establish procedures for recording and reporting this information. |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Some performance targets to consider are:   + Paternity establishment   + Support order establishment   + Current support collected   + Past-due support collected   + Number of IWOs on your caseload   + Number of court cases |  |  |  |

Optional Tools

OCSS recommends that a Tribe or Tribal organization review and consider options for computerized Tribal systems, office automation, and optional enforcement remedies. Before applying for comprehensive funding think through and plan how your program will manage cases and what Federal enforcement tools are available for Tribe’s.

The information provided in this optional section is only intended for future consideration when a Tribe and Tribal organization is preparing their comprehensive Tribal IV-D Plan application or when approved to run a Tribal IV-D program.

# Optional Computerized Systems or Digital Case Management Tools:

## Computerized Systems and Office Automation

During the start-up phase, Tribes and Tribal organizations may want to consider the type of computerized Tribal IV-D systems to use in managing your Tribal child support caseload.  Tribes and Tribal organizations have options under [**§310.5**](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-310/subpart-B/section-310.5)**.**

Many Tribes use a combination of automated office applications and manual processes to perform case management functions on child support cases. Some Tribes use a State’s computer system and others use commercial case management software for processing child support cases. All child support programs are responsible for maintaining an accurate case inventory documenting case actions and collections disbursements.

There are five options for Tribal automation that are eligible for Federal financial participation (FFP):

* Model Tribal System
* Intergovernmental Service Agreement with a State
* Intergovernmental Service Agreement with another Tribe (including Tribal consortia)
* Office automation (Microsoft products – Access, Excel, etc.)
* A system developed with 100% Tribal funding (an alternative to computerized Tribal child support systems and office automation)
  + Note: A system developed by a Tribe must be paid for with 100% Tribal funding. After installation of the system Federal funding can be used for ongoing maintenance and operation.

REMINDER: **This does not have to be addressed in the program development plan. Tribes and Tribal Organizations may want to consider these options once they receive approval to begin the start-up phase and are receiving start-up funding.**

| Consider  Things to think about as you develop your program.   * Suggested tasks to think about to help you answer the questions. | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| --- | --- | --- | --- | --- |
| You may want to consider the following information:   * Research other Tribal child support programs case management systems   + Size of Tribe and caseload   + Is the system used solely for record keeping?   + Is the system capable of automated data processing? |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Research potential costs in the following areas:   + Training of program and information technology (IT) staff   + Data Conversion (clean up and data entry)   + Hardware (computers, servers) and software purchases   + Installation support (set up and configuration)   + Help desk support (end user and technical)   + Program and system technical support |  |  |  |
| * Review all appropriate regulations and requirements   + If a Tribe intends to purchase and install an automated child support system, the system must meet the requirements found in [45 CFR 310](https://www.gpo.gov/fdsys/pkg/CFR-2011-title45-vol2/pdf/CFR-2011-title45-vol2-part310.pdf) and other applicable Federal regulations (privacy, safeguarding, records access, etc.)   + If a Tribe intends to submit a request for funding a system, the Tribe must submit an Advance Planning Document ([45 CFR 96.605](https://www.gpo.gov/fdsys/pkg/CFR-2007-title45-vol1/pdf/CFR-2007-title45-vol1-sec95-605.pdf)) and a separate budget proposal. |  |  |  |
| * Determine the type of case management system the Tribe plans to use. |  |  |  |
| * Contact OCSS’s [Division of State and Tribal Systems](mailto:OCSS.DSTS@acf.hhs.gov) for technical assistance on computerized child support systems and office automation. * See [IM-10-02](https://www.acf.hhs.gov/css/policy-guidance/questions-and-responses-regarding-model-tribal-system-final-rule), [TDCL-23-04](https://www.acf.hhs.gov/css/policy-guidance/recommendations-personal-computers-tribes-using-mts) |  |  |  |

# Optional Locate and Enforcement Tools:

## Federal Parent Locator Service (FPLS)

The FPLS is a collection of systems operated by OCSS to help child support agencies locate noncustodial parents, establish and enforce child support orders, and collect child support.

Applications within FPLS available to Tribes:

* eEmployer – Search employer information from the National Directors of New Hires (NDNH) and Child Support Portal
* Federal Case Registry (FCR) Query – View case and participant information directly from the FCR
* Intergovernmental Reference Guide (IRG) – Obtain State and Tribe profile and contract information
* External Locates – Matches that are completed with other Federal agencies
  + Department of Defense—provides information on active-duty personnel, reservists, and retired military personnel Veterans Administration – provides information on beneficiaries
  + Federal Bureau of Investigation– provides information on active, inactive, and retired employees
  + Social Security Administration—provides disability and retirement income; Supplemental Security Income; death information and prisoner information on 5,407 Federal, State, and local facilities
* Communication Center – communicate personally identifiable information (PII) in a secure environment with child support agencies, employers, and OCSS

Tribes and Tribal organizations applying for start-up funding do not have to include their desire to apply for access to the FPLS in their program development plan. Refer to [TDCL-16-01](https://www.acf.hhs.gov/css/policy-guidance/tribal-access-fpls), **“**Tribal Access to FPLS”, for more information; also [IM-16-03](https://www.acf.hhs.gov/css/policy-guidance/information-tribal-access-fpls), “Information for Tribal Access to FPLS”, on how to gain access to the FPLS.

REMINDER: **This is optional and not required to be addressed in the program development plan. Tribes and Tribal Organizations may want to consider these options once they receive approval to begin the start-up phase and are receiving start-up funding.**

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| Consider  Things to think about as you develop your program.   * Suggested tasks to think about to help you answer the questions. | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| You may want to consider the following information:   * Reach out to Tribal child support agencies that use FPLS   + How it’s used in the Tribe   + Process for obtaining access |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Security Assessment – the Tribe must submit an independent security assessment to OCSS to determine compliance * Acceptable assessments include:   + Internal Revenue Service Safeguard Review Report (SRR)   + Social Security Administration Independent Verification and Validation (IV&V)   + Review conducted by an independent Tribal auditing organization   + Review conducted be an independent auditing firm outside the Tribal organization or agency   + See: [How to find the Right Security Control Assessor](https://www.acf.hhs.gov/css/training-technical-assistance/finding-right-security-control-assessor)   + Review the Security Self-Assessment Tool ([IM-16-03](https://www.acf.hhs.gov/css/policy-guidance/information-tribal-access-fpls)) |  |  |  |
| * Fees – Tribes must pay a fee determined by OCCS   + National Directory of New Hire (NDNH) access fee – waived for Tribes   + Telecommunications Fee – eligible for reimbursement through FFP |  |  |  | |
| * Decide if the Tribe or Tribal Organization plans to obtain FPLS access upon approval of the comprehensive Tribal child support plan application. |  |  |  |
| * Determine who will conduct your independent security self-assessment. (See [How to find the Right Security Control Assessor](https://www.acf.hhs.gov/css/training-technical-assistance/finding-right-security-control-assessor)). |  |  |  |
| * Contact the [FPLS support team](mailto:FPLSSupport@acf.hhs.gov) in the Division of Federal Services (DFS) with any questions related to FPLS and access * DFS can also provide a demo of FPLS |  |  |  |

## Federal Tax Refund Offset (FTRO), Administrative Offset, and Passport Denial

Enacted by Congress, the FTRO Program intercepts Federal tax refunds of noncustodial parents who owe past-due support. This remedy involves all State child support agencies and three Federal agencies: OCSS, the Bureau of the Fiscal Service, and the IRS. **Tribes and Tribal organizations interested in FTRO must work with a State to develop a State-Tribal cooperative agreement.** Current IRS code allows limited disclosure of Federal tax information to a Tribal IV-D program (see [IM-19-03](https://www.acf.hhs.gov/css/policy-guidance/irs-requirements-tribes-accessing-federal-tax-information)). The Debt Collection Improvement Act allows certain Federal payments to be administratively offset to collect past-due child support obligations. All payments eligible for offset under the Debt Collection Improvement Act, other than Federal tax refunds, are categorized as administrative offsets. The Passport Denial Program helps child support agencies enforce repayment of debts from noncustodial parents who owe or have owed at least $2,500 in past-due support. Refer to [PIQ-18-03](https://www.acf.hhs.gov/css/policy-guidance/federal-tax-refund-offset-administrative-offset-and-passport-denial-tribes) for more information on these three optional enforcement remedies.

REMINDER: **This is optional and not required to be addressed in the program development plan. Tribes and Tribal Organizations may want to consider these options once they receive approval to begin the start-up phase and are receiving start-up funding.** 

| Consider  Things to think about as you develop your program.   * Suggested tasks to think about to help you answer the questions. | Think  Put your notes for where or how your Tribe meet this requirement. | Do  If the Tribe doesn’t meet this requirement, what steps do you need to take to meet it? Use this as a workspace to write out tasks and timeframes. | | |
| --- | --- | --- | --- | --- |
| You may want to consider the following information:   * Research other Tribes that have cooperative agreements with States and how they participate in these optional programs.   + FTRO   + Administrative offset   + Passport denial |  | **NEXT STEPS**: | **TIMEFRAMES**: |
| * Meet with a State child support program to establish a relationship to potentially participate in optional remedies, upon approval. This can include a State child support program that will work with Tribal child support programs in another State. |  |  |  |
| * Refer to [PIQ-18-03](https://www.acf.hhs.gov/css/policy-guidance/federal-tax-refund-offset-administrative-offset-and-passport-denial-tribes) which provides guidance on what Tribal IV-D programs must do to participate in the these optional remedies, including entering into State-Tribal cooperative agreements.   + More information such as required pre-offset notices, Federal tax information, due process requirements, safeguarding requirements, cost recovery, and program fees is included in this guidance. |  |  |  |
| * Refer to [IM-19-03](https://www.acf.hhs.gov/css/policy-guidance/irs-requirements-tribes-accessing-federal-tax-information) for information on IRS Requirements for Tribes Accessing Federal Tax Information. |  |  |  |