



ADMINISTRATION FOR
CHILDREN & FAMILIES

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**Office of Child Support Services Tribal Consultation on
Notice of Proposed Rulemaking – Parentage Establishment in the Child Support
Program
Summary Report
November 16, 2023**

This report is written in accordance with the Administration for Children and Families (ACF) Tribal Consultation Policy, which requires a written report within 45 days of completion of the consultation. The ACF Tribal Consultation session occurred on Thursday, November 16, 2023. This report summarizes the discussion, identifies specific tribal questions, and provides the federal response. The Office of Child Support Services (OCSS) Consultation Report is published on the OCSS Tribal Agencies [website](#).

NOTIFICATION OF CONSULTATION

ACF announced in writing via a Dear Tribal Leader Letter (DTLL) on October 4, 2023, the date, purpose, virtual location, and registration process for consultation. The DTLL was shared through the OCSS website, OCSS and Administration for Native Americans email list-serves, and other ACF program offices.

OCSS Leadership

Tangler Gray, Commissioner, OCSS

Linda Boyer, Deputy Commissioner, OCSS

Melissa Johnson, Director, OCSS Division of Regional Operations

Tribal Leaders or Designees

Diana Canku, Child Support Program Director, Sisseton-Wahpeton Oyate

Gregg Duffek, Child Support Manager, Stockbridge-Munsee Community

Raegan Hendrickson, Child Support Program Director, White Earth Nation

Maria Huynh, Child Support Director, Port Gamble S'Klallam Tribe

Gidget Lincoln, Director, The Suquamish Tribe

Melissa Nuthals, Data Analyst, Oneida Nation

Ann Stafford, Child Support Director, Mille Lacs Band of Ojibwe Indian Reservation

Pamela Waterman, Child Support Manager, Lac du Flambeau Band of Lake Superior Chippewa Indians

Whitney Weingartner, Attorney, Chickasaw Nation

Elaine Zapata, Director, Nooksak Indian Tribe

OCSS Representatives

Ike Anyanike, Program Specialist, OCSS Division of Regional Operations
Rose Bynum, Program Specialist, OCSS Division of Regional Operations
Charity Casey, Regional Program Manager, OCSS Division of Regional Operations
Dionne Duren-Jones, Program Specialist, OCSS Division of Regional Operations
Dana Huckabee, Regional Program Manager, OCSS Division of Regional Operations
Geraldine Franco, Program Specialist, OCSS Division of Regional Operations
Ashley Joslyn, Program Specialist, OCSS Division of Regional Operations
Tricia John, Program Specialist, OCSS Division of Policy and Training
Tristan Johnson, Program Specialist, OCSS Division of Regional Operations
Rebecca Kantsiper, Program Specialist, OCSS Division of Regional Operations
Chelsea Logan, Program Specialist, OCSS Division of Regional Operations
Lisa Marks, Regional Program Manager, OCSS Division of Regional Operations
Tami Masuca, Program Specialist, OCSS Division of Regional Operations
Janice McDaniel, Program Specialist, OCSS Division of Policy and Training
Crystal Peeler, Director, OCSS Division of Customer Communications
Andrew Phifer, Editor, OCSS Division of Customer Communications
Arlene Serrano-Danzy, Program Specialist, OCSS Division of Regional Operations
Ted Thornton, Regional Program Manager, OCSS Division of Regional Operations
Darryl Watts, Program Specialist, OCSS Division of Policy and Training

Greetings and Introduction

Commissioner Gray welcomed attendees and expressed gratitude for their participation in the Virtual Tribal Consultation. Additionally, she stated that the consultation would build meaningful relationships by engaging in open, continuous, and meaningful discussions that lead to information exchange, mutual understanding, and informed decision-making.

Logistics

Darryl Watts shared the agenda for the meeting and the process for tribal leaders and designees to provide both oral and written testimonies during the consultation. He also said the meeting was being recorded and a summary and transcript would be provided as required by ACF's Tribal Consultation Policy.

NPRM Overview

Commissioner Gray then shared an overview of the [NPRM on Parentage Establishment in the Child Support Program](#), indicating the proposed rule does the following:

- Seeks to replace the gender-specific term “paternity” with the gender-neutral term “parentage,” where applicable, to be more inclusive of all family structures

served by the child support program while retaining current regulatory provisions regarding genetic testing for paternity.

- Explains that consistent with Title IV-D, tribes and states have the option to expand their parentage establishment laws and procedures to include establishment of parentage for children of same-sex parents when establishment of paternity does not apply.
- Clarifies that parentage establishment for children of same-sex parents is not prohibited under Title IV-D.
- Clarifies that federal funds under Title IV-D are allowable for such parentage establishments.
- Clarifies that providing full faith and credit to same-sex parentage establishments made by any other state or tribe according to its laws and procedures is not prohibited under Title IV-D.
- Allows the inclusion of same-sex parentage establishments in reporting of program performance.
- Aligns with President Biden's Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Executive Order 13988 – Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation.

Tribal Leader Testimony

Darryl Watts invited Tribal Leaders to provide any oral testimonies. No Tribal Leaders wished to share any testimonies.

Tribal Designee Testimony

Darryl Watts invited Tribal Designees to provide any oral testimonies. No Designees wished to share any testimonies.

Questions

Maria Huynh asked if tribal testimonies would be accepted until December 16, while the deadline for public comment is November 27. OCSS responded that tribal testimonies are part of the tribal consultation, and public comments for the notice of proposed rulemaking is separate. OCSS encouraged tribes to submit comments to the notice of proposed rulemaking at www.regulations.gov, as instructed by OCSS-AT-23-11.

Closing Remarks

Commissioner Gray thanked everyone for joining and adjourned the Tribal Consultation.