

PROGRAM REQUIREMENTS

FEDERAL REGULATIONS

45 CFR PART 309: TRIBAL CHILD SUPPORT ENFORCEMENT (IV-D) PROGRAM

The Final Rule on the tribal child support program is found in the Federal Register and codified in [45 CFR Part 309](#). The rule provides the policy foundation for the program and contains the information you need to operate a successful tribal child support program. The rules that apply to start-up funding are in section 309.16. Read the regulation in its entirety and pay special attention to section 309.65 as it states what is needed for a comprehensive child support program.

To operate a successful tribal child support program, and maintain eligibility for federal funding, the program must have all the components in place to meet the federal requirements in section 309.65 to:

- Establish Paternity
- Establish Child Support Orders
- Enforce Child Support Orders
- Modify Child Support Orders
- Locate Parents and their Assets

45 CFR PART 310: COMPUTERIZED IV-D SYSTEMS AND OFFICE AUTOMATION

45 CFR Part 310 addresses conditions for funding and requirements governing computerized child support systems and office automation. It identifies:

- various options for automated systems;
- functional requirements for the Model Tribal System;
- security and privacy requirements;
- conditions for funding, and
- Accountability and monitoring.

“Take the time to visit other neighboring Tribal Child Support Programs and observe and discuss how their child support programs were designed and how they run. Your colleagues are usually quite helpful.”

- Bill Paine, Former IV-D Director, Suquamish Tribe

45 CFR 75: UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR HHS AWARDS

Federally funded child support programs must adhere to the applicable requirements in 45 CFR 75 including:

- [45 CFR 75 Subpart E](#): Cost Principles
- [45 CFR 75 Subpart F](#): Audit Requirements
- [Appendix II to Part 75](#): Contract Provisions for non-federal entity contracts under federal award

OCSE PUBLICATIONS

As the child support program evolves, it is sometimes necessary for OCSE to issue guidance, policy clarifications or other information. OCSE distributes the policy guidance via state and tribal listserves (email lists). When policy documents are published, as a new director, you should know where to find these documents and become familiar with major policy issuances. All documents issued over the years are accessible on the [OCSE Policy Webpage](#).

OCSE releases information in various formats:

- **Action Transmittal (AT)**: instructs state and tribal child support programs on the actions they must take to comply with new and amended federal laws.
- **Information Memorandum (IM)**: provides state and tribal child support agencies with information on program practices that can be useful to program improvement.
- **Policy Interpretation Question/Tribal (PIQ)/(PIQT)**: provides the official reply from OCSE to an inquiry submitted by a state or a tribal child support program concerning the application of policy.
- **Tribal/International Dear Colleague Letter (TDCL)/(IDCL)/(DCL)**: conveys information on child support program activities to the child support community and the tribal child support community.

In addition to policy guidance, OCSE distributes information in other formats:

- **Annual Report to Congress**: Published each year to provide an overview of the state and tribal child support program statistics to the U.S. Congress.
- **Child Support Report**: Monthly e-newsletter that includes a variety of child support related topics and stories.

We encourage you to explore the Tribal Agencies page under Child Support Professionals on the [OCSE Website](#).

PLAN REQUIREMENTS FOR TRIBAL CHILD SUPPORT PROGRAMS

START-UP PROGRAM

When a federally recognized tribe or tribal organization elects to establish a child support program, the tribe can submit an application for start-up funding. The OCSE website contains a Guide to the Tribal IV-D Start-Up Application Process, which was presented under [IM-05-06: A Guide to the Tribal IV-D Start-Up Application Process](#), issued on June 22, 2005. The tribe must submit a Start-up Program Development Plan as part of its application to OCSE for review and approval for funding. OCSE central office and regional offices will maintain a copy of your plan.

Your Start-up Program Development Plan should describe how the tribe will meet the federal requirements in [45 CFR 309](#). All federal requirements along with information on how the tribe already meets a particular requirement or what activities it will complete to meet the requirements must be included. For example, a tribe might need to write new tribal codes or revise existing codes to meet the regulation requirements. Often it will be necessary to develop policies and procedures as well. A Start-up Program Development Plan should also include an Action Plan timeline of activities to be done, the timeframe to complete them, and the personnel responsible for performing the work.

If you are a new child support director hired during the start-up program, you will most likely be the project manager to oversee the start-up activities. It is your responsibility to ensure all activities are completed within the timeframes noted in the Program Development Plan. Often the tribe's grant-writer wrote the initial plan. We recommend that you read a copy of the plan. You will be responsible for writing the Year 1 Progress Report and developing the Year 2 Budget, to submit to OCSE.

Additionally, during Year 2 you will be responsible for writing the Comprehensive Program Plan and developing the budget to transition your tribal child support program from "start-up" to "comprehensive".

COMPREHENSIVE PROGRAM PLAN

A Comprehensive Program Plan (Plan) is a document that demonstrates how the tribe meets the requirements to operate a program by identifying and describing all the codes/laws, procedures, policies, and guidelines a program will follow as outlined in [45 CFR Part 309](#). You must submit an original copy of your Comprehensive Program Plan application to OCSE to request full comprehensive funding.

[45 CFR 309.65](#) requires a tribal child support program Plan to provide information that demonstrates that the tribe has the capacity and infrastructure to operate a tribal child support program. The Plan is the culmination of all the work completed during the start-up period. After OCSE approves the Plan, budget and application documents, your tribal child support program will receive funding to operate the program as described. The approved Plan is the guiding document for the operation of your child support program.

If you are the new director of a comprehensive program, we recommend that you locate a copy of your tribe's Plan and read it thoroughly. As the child support director, it is imperative that you understand

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the laws, policies, procedures, and guidelines your tribe agreed to follow when it accepted funding to operate their child support program.

You should expect that as your program grows and develops, the information in the original Plan might need to be changed. When you make changes (amendments) to the original Plan, you will need to submit a Plan Amendment to OCSE. You can find examples of circumstances that might require a change to your Plan in [45 CFR 309.35\(d\) and \(e\)](#).

PLAN AMENDMENTS

When laws, policies, procedures, or guidelines change in a substantive way, you will be required to submit a Plan Amendment to OCSE. You can find the regulations and guidelines on when and how to submit a Plan Amendment at:

- [45 CFR 309.35](#): Review of Tribal IV-D program application, plan or plan amendment
- [TDCL-11-01](#): Plan Amendments – Change to TDCL-10-07
- [TDCL-10-07](#): Plan Amendments

Your Regional OCSE Program Specialist can also provide additional information and assistance. OCSE recommends that you submit your proposed amendments to your assigned Program Specialist for a preliminary review prior to officially submitting it to OCSE.

A Review Panel composed of regional and central office staff members from OCSE and OGM formally evaluate both the initial Plan and any subsequent Plan Amendments. The review process ensures that what you describe in your Plan meets the necessary federal requirements for a Comprehensive Program after considering the proposed amendments.

The following events trigger the need for a Plan Amendment:

- changes to tribal code or policy that affect any of the 14 program elements of the original plan;
- revisions to the child support guidelines;
- program additions to a consortium or formulation of a consortium with another entity;
- changes to any program functions that are delegated or contracted to another state or tribe via some type of negotiation or cooperative agreement;
- changes to the program's organizational structure; or
- changes to federal regulations or policy.

These are just a few of the possible events that could require a revision of your tribe's Plan. When the Plan is updated with drafts of new policies or codes, you are required to send a copy of the proposed updates to OCSE central office for review and approval. Please be sure to indicate what has changed when you submit the amendment. You should also send a courtesy copy to your Regional Program Specialist. OCSE maintains a copy of all Comprehensive Program Plan Amendments.

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Please mail all program documents to:

**Commissioner, Office of Child Support Enforcement
ATTN: Tribal Child Support Program
Administration for Children and Families
330 C Street, SW, 5th Floor
Washington, DC 20201**