Streamlined Tribal Plan Guidance

Using the human centered design process, OCSE conferred with tribal child support directors and created a work group dedicated to streamlining the tribal plan and plan amendment process. The workgroup developed optional plan pages with a new submission process for tribal directors to use that will reduce paperwork burden and provide tribal child support enforcement programs with more flexibility to govern their tribal plans and meet the needs of their communities. 45 CFR 309.130(a) requires tribes and tribal organizations to have approved tribal plans to receive federal funding for their tribal child support programs.

This guidance describes the optional streamlined tribal plan and plan amendment process, including submission instructions and examples. The forms and process are optional. Tribes and tribal organizations may begin using them now at their discretion.

Tribal directors that do not use the optional streamlined tribal plan pages and process must continue to submit plan amendments under 45 CFR 309.35 and prior guidance (see TDCL-10-07, TDCL-11-01, IM-22-02). They will not follow the guidance and instructions noted below, particularly the statement "subsequent revisions do not require a plan amendment." This only applies to tribes and tribal organizations that submit attestations and use the optional tribal plan pages and plan amendment process.

If the tribal child support regulations change through the rulemaking and Tribal Consultation process, OCSE may require tribal child support programs to resubmit the impacted plan pages with documentation to demonstrate compliance with new requirements.

Optional Streamlined Tribal Plan and Plan Pages

The optional streamlined tribal plan contains plan pages that organize information, identify required attachments, and simplify plan amendment submissions. The plan pages include the following:

- **Table of Contents** – lists the plan pages and the required and optional attachments. Significant or material changes to the required attachments require a plan amendment. A tribe or tribal organization may submit a plan amendment for significant or material changes to the optional attachment.
- **Cover Page** – identifies the tribe or tribal organization and the name of the tribal child support program. It also has an attestation about the tribe or tribal organization complying with applicable federal laws and regulations, such as 45 CFR Parts 309, 310, and 75.
- **14 Section Plan Pages** – correspond with the required elements of the tribal plan described in 45 CFR 309.65(a), such as having procedures for location of noncustodial parents in accordance with 45 CFR 309.95. The plan pages also include attestations that the tribal child support program will comply with the federal requirements listed on the page.

- **Agreements Plan Page** – includes the agreements, contracts or tribal resolutions regarding the operation of the tribal child support enforcement program in accordance with 45 CFR 309.60(c).

Optional Streamlined 14 Sections and Agreements Plan Pages

Below, we discuss the optional streamlined 14 sections and cooperative agreements plan pages, identify the required and optional attachments, provide examples of changes to the attachments that trigger a plan amendment, and indicate the plan pages that do not require a plan amendment unless there are changes to the tribal child support regulations.

- **Section 1 Description of Population Subject to Tribal Court or Agency Jurisdiction –** This plan page reflects the requirements in 45 CFR 309.65(a)(1) and 309.70. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, a description of the population subject to the jurisdiction of the tribal court or agency is required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(1) and 309.70. Thereafter, they can revise the documents regarding these requirements without submitting a plan amendment if the revisions comply with federal regulations. An example of a revision is when the tribal child support program expands its jurisdiction. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 2 Procedures for Accepting Applications –** This plan page reflects the requirement in 45 CFR 309.65(a)(2). Approved tribal plans contain the required documentation to demonstrate compliance with this requirement. For example, procedures for accepting all applications for child support services, including a copy of the IV-D application, are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(2). Thereafter, they can revise their procedures for accepting applications for child support services without submitting a plan amendment if the revisions comply with federal regulations. Examples of revisions include new procedures for case workers to process applications or to refer applicants to another jurisdiction. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Nevertheless, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.

  Please note the requirement for a child support services disclaimer on the application to participate in the federal tax refund offset program through an agreement with a state. Tribal child support programs must submit a plan amendment when they revise their approved IV-D applications to include a disclaimer for applicants about submitting eligible cases for federal tax refund offset (see PIQ-18-03). If the disclaimer was not included on the original application when OCSE approved the plan, then that is the only revision to the application that requires a plan amendment.

- **Section 3 Due Process Protections** – This plan page reflects the requirement in 45 CFR 309.65(a)(3). Approved tribal plans contain the required documentation to demonstrate compliance with this requirement. For example, due process procedures to protect the rights of parties are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of section 309.65(a)(3). Thereafter, they can revise their due process procedures without submitting a plan amendment if the revisions comply with federal regulations. Examples of revisions include updating due process procedures to address virtual hearings or domestic violence issues. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 4 Administrative and Management Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(4) and 309.75. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, evidence that all federal funds and amounts collected by the tribal child support program are protected against loss is required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(4) and 309.75. Thereafter, they will submit plan amendments for significant changes to the organizational chart or description pursuant to 45 CFR 309.35(e) and 309.75(a). The organizational chart or description is a required attachment. Significant changes include when a tribal child support program redistributes responsibilities or adds or removes positions identified in the organizational chart.

  Please note that revisions to other administrative and management procedures required under section 309.75 do not warrant a plan amendment. However, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 5 Safeguarding Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(5) and 309.80. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for imposing sanctions for the unauthorized use or disclosure of child support information are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(5) and 309.80. Thereafter, they can revise their safeguarding procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include strengthening safeguarding procedures for cases with domestic violence issues or for authorized disclosures with the tribal TANF program. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 6 Records Maintenance** – This plan page reflects the requirements in 45 CFR 309.65(a)(6) and 309.85. Approved tribal plans contain the required documentation to

demonstrate compliance with these requirements. For example, procedures for maintaining records on the amounts owed, arrearages, amounts and sources of support collections, and distribution of such collections are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(6) and 309.85. Thereafter, they can revise the record maintenance procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for maintaining data on applicants and collections. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.

- **Section 7 Tribal Laws, Codes, and Regulations** – This plan page reflects the requirements in 45 CFR 309.65(a)(7) and 309.90. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, tribal laws on establishing paternity are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(7) and 309.90. Thereafter, they will submit plan amendments for significant changes to their tribal laws, codes, and regulations pursuant to 45 CFR 309.35(e) and 309.90. The tribal laws, codes, and regulations are a required attachment. Significant changes include any revisions to the tribal laws or regulatory provisions required under section 309.90.

  Additionally, a tribe or tribal organization has the option to submit a plan amendment for significant changes to tribal policies and procedures for their child support program. The tribal policies and procedures are an optional attachment. Examples of significant changes include new procedures for non-cash payments or new policies for review and adjustment of support orders.

- **Section 8 Locate Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(8) and 309.95. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for locating noncustodial parents and their assets are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(8) and 309.95. Thereafter, they can revise the locate procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for using databases or social media platforms to locate noncustodial parents. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.

- **Section 9 Paternity Establishment Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(9) and 309.100. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for providing an alleged father the opportunity to voluntarily

acknowledge paternity are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(9) and 309.100. Thereafter, they can revise the paternity establishment procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for genetic testing or voluntarily acknowledging paternity. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.

- **Section 10 Child Support Guidelines** – This plan page reflects the requirements in 45 CFR 309.65(a)(10) and 309.105. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, child support guidelines for setting and modifying child support obligation amounts are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(10) and 309.105. Thereafter, they will submit plan amendments for significant changes to their child support guidelines pursuant to 45 CFR 309.35(e) and 309.105. The child support guidelines are a required attachment. Significant changes include revising the formulas or criteria for setting or modifying child support obligation amounts.
- **Section 11 Income Withholding Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(11) and 309.110. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for caseworkers regarding income withholding are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(11) and 309.110. Thereafter, they can revise the income withholding procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for case workers on terminating an income withholding order or refunding amounts that were improperly withheld. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 12 Distribution Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(12) and 309.115. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for the distribution of child support collections in a timely manner are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(12) and 309.115. Thereafter, they can revise the distribution procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for current tribal TANF cases or for federal tax refund offset cases. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan

page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.

- **Section 13 Intergovernmental Case Processing Procedures** – This plan page reflects the requirements in 45 CFR 309.65(a)(13) and 309.120. Approved tribal plans contain the required documentation to demonstrate compliance with these requirements. For example, procedures for recognizing child support orders issued by other tribes and tribal organizations and by states, in accordance with the Full Faith and Credit for Child Support Orders Act are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.65(a)(13) and 309.120. Thereafter, they can revise their intergovernmental case processing procedures without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include new procedures for recognizing foreign child support orders or paternity orders. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Section 14 Tribally Determined Performance Targets** – This plan page reflects the requirements in 45 CFR 309.65(a)(14). Approved tribal plans contain the required documentation to demonstrate compliance with this requirement. For example, performance targets for paternity establishment, support order establishment, and amount of current support to be collected are required for an approved plan. Tribal child support programs will attest that they will continue to meet the requirements of section 309.65(a)(14). Thereafter, they can revise their tribally determined performance targets without submitting a plan amendment if those revisions comply with federal regulations. Examples of revisions include increasing or decreasing targets based upon factors impacting performance. Such changes do not require a plan amendment after a tribe or tribal organization submits the optional plan page and attests to maintaining compliance with the tribal regulations. However, revised and updated performance targets remain a reporting element in the annual narrative with the OCSE-75 report pursuant to 45 CFR 309.170(b)(6). Although this plan page does not have a required attachment, the tribal child support program must maintain the appropriate documentation to demonstrate compliance.
- **Cooperative Agreements** – This plan page reflects the requirement in 45 CFR 309.60(c). Approved tribal plans contain the required documentation to demonstrate compliance with this requirement. For example, copies of contracts and agreements for functions or services delegated by the tribe or tribal organization to administer the tribal child support program are part of the approved plan. Tribal child support programs will attest that they will continue to meet the requirements of sections 309.60(c). Thereafter, they will submit plan amendments for significant changes to their contracts and agreements pursuant to 45 CFR 309.35(e) and 309.60(c). Agreements, contracts, and tribal resolutions that delegate functions of tribal child support program are required attachments. An example of a significant change includes a new contract with a new vendor to perform genetic testing (also see Budget Submission for additional information).

Streamlined Required and Optional Attachments

The optional streamlined tribal plan includes four required attachments and one optional attachment. When there are significant changes to the required attachments as discussed earlier, a tribe or tribal organization must submit a plan amendment. A tribe or tribal organization has the discretion to submit a plan amendment for significant changes to the optional attachment.

The required attachments are:

- **Organizational Chart or Description** – This required attachment is for Section 4 Administrative and Management Procedures. It provides an illustration or description of the internal structure of the tribal child support program, including the staff hierarchy, in accordance with 45 CFR 309.75(a).
- **Tribal Laws, Codes, and Regulations** – This required attachment is for Section 7 Tribal Laws, Codes, and Regulations. It provides a copy of the tribe's or tribal organization's laws, codes, and regulations that comply with the requirements to administer a tribal child support enforcement program in accordance with 45 CFR 309.90(a).
- **Child Support Guidelines** – This required attachment is for Section 10 Child Support Guidelines. It provides a copy of the child support guidelines used to set and modify child support obligation amounts in accordance with 45 CFR 309.105(a)(2).
- **Agreements, Contracts, or Tribal Resolutions** – This required attachment is for the Cooperative Agreements. It provides copies of agreements, contracts, or tribal resolutions that delegate functions of tribal child support program to another tribe, a state, and/or another agency or entity in accordance with 45 CFR 309.60(c).

The optional attachment is:

- **Tribal Policies and Procedures** – This optional attachment is Section 7 Tribal Laws, Codes, and Regulations. It provides a copy of the tribe's or tribal organization's policies and procedures that comply with the requirements to administer a tribal child support enforcement program in accordance with 45 CFR 309.65(a).

Approval and Effective Dates

OCSE provides the approval and effective dates for the plan page after conducting a review of the submitted plan amendment. These dates help to track when a plan amendment was approved and became effective in accordance with 45 CFR 309.35.

For a tribal child support program funding application, plan, or plan amendment, OCSE has 90 days to issue a decision (see 45 CFR 309.35(a)). For additional information requested by OCSE and provided by the tribe or tribal organization, OCSE has 45 days to issue a decision (see 45 CFR 309.35(b)). The effective date of a plan or plan amendment may not be earlier than the first day of the fiscal quarter in which an approvable plan or plan amendment is submitted (see 45 CFR 309.35(f)). The effective date depends on when a tribe or tribal organization submits the

plan amendment regarding the significant change. Therefore, this date may differ from when the significant change, such as a revision to tribal law or child support guidelines, became effective within the tribe or tribal organization.

For example, OCSE receives a plan amendment on March 2 and has until May 31 to issue a decision. If on May 31 OCSE requests additional information and the tribe provides that information on July 15, OCSE has until August 29 to issue a decision. If on August 29 OCSE approves the plan amendment, the effective date may not be earlier than July 1.

Submitting Attestations

Attestations provide evidence that the tribe or tribal organization will continue to comply with the requirements in 45 CFR Parts 309 and 310. Each plan page includes the primary regulatory citations that comprise the tribal plan. These citations are not an exhaustive list of all the requirements within the tribal child support regulations. Submitting and using these plan pages constitutes an agreement to comply with the federal regulations and streamlined tribal plan and plan amendment process.

Before submitting a plan amendment using the streamlined process, a tribe or tribal organization must submit the plan page attestations. Tribes and tribal organizations only need to submit all the plan pages once to attest to complying with the tribal child support regulations and streamlined tribal plan and plan amendment process. Please decide whether your tribal child support program will use the optional streamlined tribal plan and plan amendment process.

- If yes, complete the cover page and indicate the name of your tribe or tribal organization on the plan pages. Leave the approval and effective date sections blank. Send these forms with a letter stating that you will comply with the streamlined tribal plan and plan amendment process to OCSE's Division of Regional Operations (DRO) at OCSE.Tribal@acf.hhs.gov.

  Alternatively, a tribe or tribal organization may send a letter indicating compliance with the optional streamlined tribal plan and plan amendment process to OCSE's DRO at OCSE.Tribal@acf.hhs.gov. DRO will populate the cover page and plan pages with the appropriate information on your behalf.

  Regardless of whether you or OCSE completes the plan pages, DRO will return the plan pages with the effective and approval dates along with copies of the required attachments that OCSE has on file after receiving the attestations or letter indicating compliance with the optional streamlined tribal plan. OCSE will use the most recent version of the approved comprehensive tribal plan on file. If tribes or tribal organizations have questions about their approved tribal plan documents on file, please contact your Regional Program Specialist.

- If no, you must continue to submit plan amendments under 45 CFR 309.35 and prior guidance (see TDCL-10-07, TDCL-11-01, IM-22-02). You will not follow the guidance and instructions in this document, particularly the statement "subsequent revisions do not require a plan amendment." This only applies to tribes and tribal organizations that

submit attestations and use the optional streamlined tribal plan pages and plan amendment process.

Streamlined Tribal Plan Amendment Submission Process

After attesting to the streamlined tribal plan pages and process, a tribe or tribal organization will submit a plan amendment for significant changes to the required attachments, the optional attachment, or federal regulations as discussed earlier. In accordance with 45 CFR 309.35(e), a plan amendment must be submitted at the earliest reasonable time for approval.

Under the streamlined plan amendment process, the submission must include:

- **Letter** – concisely describe the significant change(s).
- **Plan Page** – include the plan page associated with the significate change(s). For example, when making a change to Section 7 Tribal Laws, Codes, and Regulations, please submit this plan page and indicate the tribe's or tribal organization's name at the top.
- **Required or Optional Attachment** – include the required or optional document. For example, a copy of the guidelines is a required attachment, and the tribal policies and procedures is an optional attachment. Please identify the updates or revisions using track changes or highlights.

Send the plan amendment to OCSE's Division of Regional Operations using one of the following methods:

- **Email** – OCSE.Tribal@acf.hhs.gov
- **Mail** – OCSE Division of Regional Operations
  330 C St. SW, 5th Floor
  Washington, DC 20201

OCSE Review Timeframes

45 CFR 309.35 describes the procedures for reviewing tribal child support program funding applications, plans, and plan amendments. After receiving a tribal funding application, plan, or plan amendment, OCSE must issue a decision or request additional information within 90 days. After receiving any of the requested additional information, OCSE must issue a decision or request additional information within 45 days. Please see 45 CFR 309.45 for the procedures to request reconsideration of a disapproval decision.

Budget Submissions

When tribes or tribal organizations have new contracts or agreements in their budget submissions, they must include the Agreements plan page to indicate they are also submitting a plan amendment in accordance with 45 CFR 309.60(c). OCSE will expedite the plan amendment review. This reduces the paperwork burden on tribal child support programs.

Prior to submitting the tribal budget and documents, we encourage tribes and tribal organizations to provide their Regional Program Specialist with an advance copy of contracts or agreements to receive technical assistance and ensure the inclusion of the required clauses.

Record Maintenance

Tribes and tribal organizations must continue to maintain records necessary for the proper and efficient operation of the program in accordance with 45 CFR 309.85. This includes documentation that demonstrates compliance with the tribal child support program regulations.