TRIBAL CHILD SUPPORT PROGRAM START-UP APPLICATION GUIDE

The Office of Child Support Enforcement (OCSE) created this guide in conjunction with tribal child support directors to help tribes and tribal organizations interested in developing a child support program and want to apply for start-up funding. This guide contains useful information to consider when applying for funding (see 45 CFR 309.16).

The time needed to establish and prepare to offer child support services is known as the start-up period. A tribe or tribal organization typically needs time to meet program requirements described in 45 CFR 309.65(a), such as developing policies and procedures, revising or adopting tribal code, hiring and training staff, etc. Start-up funding is provided to tribes and tribal organizations whose application demonstrates that the tribe will be ready to operate a full, comprehensive child support program within two years of approval.[1]

OVERVIEW

OCSE is the program office within the Department of Health and Human Services (HHS) that oversees the national child support program at the federal level and is in Washington, DC (central office). OCSE has 10 regional offices across the country. OCSE's regional offices can provide technical assistance throughout the start-up process. You can find contact information for OCSE's regional offices on our website.

The goal of the child support program is to ensure the well-being of children through reliable financial support from both parents by locating parents, establishing legal parentage, establishing, and modifying support obligations, and enforcing those obligations. Congress created the national child support program in 1975. Only state child support programs could receive federal funding until 1996, when Congress authorized direct funding of tribal child support programs in accordance with Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Prior to PRWORA, authority to administer the delivery of child support services rested solely with the states and failed to recognize tribal self-governance. During this time, states that attempted to provide child support services on tribal lands were limited in their abilities to establish paternity and to establish and enforce child support orders. Cooperative agreements between tribes and states helped bring child support services to some reservations.

For the first time in the history of the program, PRWORA provided authority under Title IV-D of the Act for direct funding of tribes and tribal organizations for operating child support programs.
Section 455(f) of the Act provides:

"The Secretary may make direct payments under this part to an Indian Tribe or Tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child support enforcement

[1] 45 CFR 309.16

program meeting the objectives of this part, including establishment of paternity, establishment, modification, and enforcement of support orders, and location of absent parents. The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian Tribe or Tribal organization to be eligible for a grant under this subsection."

The Comprehensive Tribal Child Support Enforcement Programs: Interim Final Rule was published in the Federal Register on August 21, 2000 (65 FR 50786). At the time, a number of tribes were developing child support programs and participating in demonstration projects funded under federal authorities. There was concern that those child support programs would be delayed or disrupted if they had to wait to apply for federal funding with the publication of the Final Rule. Therefore, tribes that were operating comprehensive tribal child support programs were permitted to apply for federal funding under the Interim Final Rule. After the publication of the Interim Final Rule, nine tribes applied for, and were approved for federal funding. These nine tribes continue to operate tribal child support programs: Chickasaw Nation; Forest County Potawatomi Community; Lac du Flambeau Tribe; Lummi Nation; the Menominee Indian Tribe of Wisconsin; Navajo Nation; Port Gamble S'Klallam Tribe; Puyallup Tribe; and Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. Use the OCSE website to find contact information for all tribal child support programs.

On March 30, 2004, the Federal Register[2] published the Final Rule on Tribal Child Support Enforcement Programs, which set forth the requirements and related provisions for establishing and operating a tribal child support program. The regulations at 45 CFR 309 implement section 455(f) of the Social Security Act

LEARN THE BASICS

PRIMARY CHILD SUPPORT OBJECTIVES INCLUDE FIVE PROGRAM GOALS:

1. Locate parents
2. Establish paternity/parentage
3. Establish and modify support obligations
4. Monitor and enforce obligations
5. Collect and distribute child support payments

See the glossary on the OCSS website for common child support terms.

WHO IS ELIGIBLE

- Any federally recognized tribe or tribal organization with basic governmental and administrative capabilities to operate a child support enforcement program can apply.
- In addition to being federally recognized, a tribe or tribal organization must have at least 100 children under the age of majority (typically age 18) within the population subject to the jurisdiction of the tribal court or administrative agency.
    - There are two exceptions to the 100-child requirement:

[2] 69 FR 16637

- The first states that if a tribe cannot meet the 100-child rule on its own, a tribal organization may apply (see 45 CFR 309.10(b)). Under 45 CFR 309.05, tribal organization means any legally established organization of Indian Tribes sanctioned or chartered as a single governing body representing two or more Indian Tribes.
- The second exception allows for a waiver of the 100-child requirement if sufficient justification is provided (see 45 CFR 309.10(c)).

PROGRAM FUNDING

- **Start-up, Years 1-2**
  - During the two-year start-up period, tribes and tribal organizations receive federal grant funds equal to 100% of approved and allowable expenditures. A tribal contribution (non-federal share) is not required.
  - This total award cannot exceed $500,000, which is typically awarded as $250,000 per year.
    - To receive Year 2 funding, a start-up program must submit a progress report describing accomplishments and an annual funding request.

- **Comprehensive**

  - As of FY 2025, tribes do not need to provide any non-federal share of expenditures to operate a child support program. Federal funds will cover all expenses.
  - Tribes need to submit an annual budget by August 1 of the year.
  - OCSE will review for reasonable, allowable, and necessary expenditures prior to issuing notice of awards each year at the beginning of the federal fiscal year.

REGULATORY REQUIREMENTS

Before pursuing funding for a child support program, a tribe or tribal organization should review the required regulatory elements to determine if a child support program is appropriate for their community (see 45 CFR 309). While federal regulations need to be met, the policies and procedures developed for a tribe's child support program often incorporate their unique tribal values and cultures.

Regulatory provisions describe the required elements that must be met to receive federal funding for start-up (45 CFR 309.16 (a)) and comprehensive (45 CFR 309.65(a)) phase. The 14 required elements in 45 CFR 309.65(a) must be reviewed and addressed in the program development plan.

1. Description of the population subject to the jurisdiction of the tribal court or administrative agency
2. Procedures for accepting all applications and providing services required by law and regulation
3. Due process protection
4. Administrative and management procedures
5. Safeguarding procedures
6. Records maintenance
7. Copies of applicable tribal laws and regulations
8. Procedures for locating noncustodial parents
9. Procedures for establishing paternity
10. Guidelines for the establishing and modifying child support obligations
11. Procedures for income withholding

12. Procedures for distributing child support
13. Procedures for intergovernmental case processing
14. Tribally determined performance targets for paternity establishment, support order establishment, amount of current support to be collected, and amount of past due support to be collected.

We recommend a tribe or tribal organization review and consider the options for computerized tribal systems, office automation, and enforcement remedies when applying for comprehensive funding.

1. Computerized Tribal IV-D Systems and Office Automation (45 CFR Part 310)
2. Federal Tax Refund Offset, Administrative Offset, and Passport Denial (PIQ-18-03)

STEPS TO APPLY

1. Have your team lead or point person reach out to your local OCSE Regional Program Office for assistance on developing an application.
2. Research and analyze (application preparation).
3. Prepare and organize the application and program development plan.
4. Submit the completed application packet.

Review the flow chart for an overview of the full process.

STEP 1:

The tribe or tribal organization should create a team to develop their tribal child support program. We recommend the team lead or point person schedule an informational meeting with the OCSS regional office.

STEP 2:

The research and analysis step helps a tribe or tribal organization recognize what must be done to meet the required regulatory elements within the two-year start-up period. It is important to identify existing tribal laws, regulations, and procedures that may already be in place for child support services before applying.

A tribe or tribal organization should also determine which required child support services the tribe does **not** provide and how the tribe will develop laws, regulations, and procedures to provide those services. Details of how a tribe or tribal organization plans to meet the required regulatory elements must be included in the application, specifically in the program development plan. Tribes and tribal organizations need to ensure that tribal laws, policies, and procedures meet all requirements.

STEP 3:

A start-up application packet is a set of documents necessary for OCSE to determine if your tribe or tribal organization has (or will have) the framework and a cohesive plan to administer a tribal child support program. As mentioned, start-up is a two-year period to work towards operating a tribal child support program. Your OCSE regional program office can answer any questions or concerns related to the start-up application.

The application packet includes:

- **Tribal Introduction.** Provide information on the tribe or tribal organization's population subject to jurisdiction, including the number of children under the age of majority in the population. Tribes and tribal organizations may also include tribal history, a map of tribal territory, a governmental structure organization, etc.
- **Program Development Plan**. This document details how the tribe or tribal organization meets the 14 elements. If the tribe or tribal organization does not already meet one or more required elements, include a detailed description with timeframes regarding the plan for meeting the requirement during the two-year start-up period.

  Examples:

  - Appendix A: A tribe or tribal organization may have a law that meets a portion of a requirement. This tribe may describe the existing law and detailed plans of how and when the law will be amended to meet the requirement.
  - Appendix B: Absent a written law and regulation, a tribe may provide 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 requirement.
  - Appendix C: A tribe or tribal organization meets the requirement and does not need to provide a timeline. The tribe must provide a statement confirming they meet the requirement.

- **Required Financial Forms for a Proposed Budget.** Include these required forms:

  - Completed and signed[3] Standard Form (SF) SF-424 – Application for Federal Assistance
  - Completed SF-424A – Budget Information—Non-Construction Programs
  - Documentation to support the SF-424 and SF-424A.

- **Appendix (optional). We welcome tribes and tribal organizations to submit any additional** documentation that would help OCSE better understand tribal culture, laws, history, current programs, or other relevant tribal information.

STEP 4:

When you compile your application and supporting documentation, consider creating a table of contents and appendices to help organize your application. Make sure that all required forms, such as the SF-424, are signed by your authorized representative.

Once complete, submit all information to OCSS electronically at OCSE.Tribal@acf.hhs.gov or by mail at:

Office of Child Support Enforcement
ATTN: Tribal Child Support Program
330 C Street SW, 5th Floor Washington,
DC 20201

[3] Signed by authorized representative as determined by the tribe or tribal organization.

RESOURCES

OCSE has developed helpful tools to help in completing the application packet:

1. **Tribal Child Support Program Overview (PPT).**
   This presentation includes an overview of the tribal child support program, including the history and requirements for operating a tribal child support program. You can also view the recording of the presentation.
2. **Program Development Plan Work Aid.**
   This work aid outlines the 14 required elements of the tribal child support program. It is designed to be used when determining if the tribe or tribal organization does or does not currently have laws necessary to fulfill the requirements and provides guidance on those items to include in a program development plan. It also offers ideas on how to meet the required elements as well as steps to take during the start-up phase (planning, researching, and finalizing tribal laws).

APPENDIX A: WRITTEN APPLICATION EXAMPLE FOR PARTIALLY MEETING THE REQUIRED ELEMENT

Below is an excerpt from a program development plan where the tribe states that they partially meet the required element.

Currently, the [*Tribe's Name*] requires applications for such services as childcare, Head Start, land assignments, housing assistance, tribal Temporary Assistance for Needy Families (TANF), higher education, adult vocational training, employment, general assistance, food distribution, Low Income Home Energy Assistance Program, enrollment, wellness services, court services among other programs and services. There are set policies and procedures in place for accepting all program referrals and applications. The applications for the Child Support Program will be made available on the tribal website as well as all [*insert locations*]. The following tasks have been outlined for creating a Child Support Program application, policies and procedures for accepting all applications, as well as the transferring of cases.

		Quarter								
Task	**Assigned To**	1	2	3	4	5	6	7	8	**Date Completed**
Research other tribal child support program applications	Program Specialist 1									
Design tribal application procedures and forms	Program Specialist 2									
Obtain tribal approval of application process/procedures	Program Specialist 1									
Review and confirm application procedures	Program Specialist 2									

APPENDIX B: WRITTEN APPLICATION EXAMPLE FOR NOT MEETING THE REQUIRED ELEMENT

Below is an excerpt from a program development plan where the tribe states that they do not meet the required element.

The [*Tribe's Name*] will attempt to establish paternity by the process set out under the [*Tribal Code*]. The Code allows for the opportunity of an alleged father to voluntarily acknowledge the paternity of a child. In a contested paternity case, the child and all other parties must submit to a genetic test upon the request of any party if the request is supported by a sworn statement alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between parties; or denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

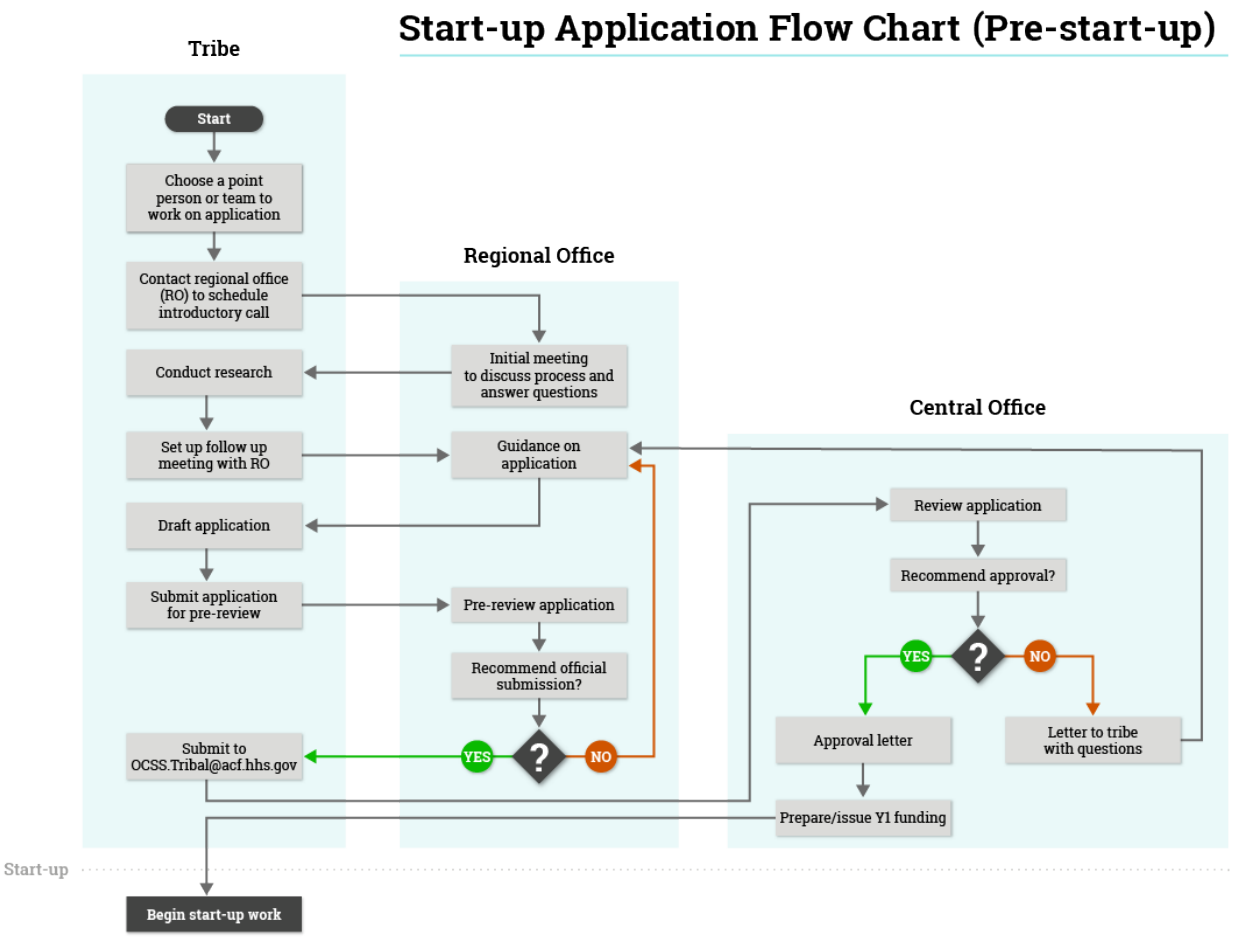
In a case involving incest or forcible rape, or in a case in which legal proceedings for adoption are pending, the [*Program*] does not need to attempt to establish paternity. The [*Program*] will use an accredited DNA genetic testing laboratory that performs legal and medically-acceptable genetic tests when testing is needed. Paternity establishment shall be at a reasonable cost, and both legally and medically acceptable to identify or exclude the alleged father.

Outlined are tasks for creating paternity establishment procedures:

		Quarter								
Task	**Assigned To**	1	2	3	4	5	6	7	8	**Date Completed**
Research current tribal paternity establishment laws and procedures.	Program Specialist 1									
Research other tribal child support paternity establishment laws and procedures.	Program Specialist 2									
Research tribal child support voluntary paternity acknowledgements.	Program Specialist 1									
Research agreements with accredited laboratories performing legally and medically acceptable genetic tests.	Program Specialist 2									
Establish laws and procedures for the establishment of paternity.	Director									
Obtain tribal approval for the paternity establishment laws and procedures.	Director									
Develop a draft agreement with accredited laboratory.	Director									

APPENDIX C: WRITTEN APPLICATION EXAMPLE FOR MEETING THE REQUIRED ELEMENT

Below is an excerpt from a program development plan where the tribe states that they meet the required element.

The [*Tribe's Name*] has [*Tribal Code or court policy or procedure*] to assure that the due process rights of the individuals involved will be protected in all activities of the Tribal IV-D program. The activities include establishment of paternity, and establishment, modification, and enforcement of support orders.

APPENDIX D: START-UP APPLICATION FLOW CHART