Streamlined Tribal Plan and Plan Amendment Process

May 15, 2023

ACF OFFICE OF CHILD SUPPORT ENFORCEMENT

Objectives

- Understand the streamlined tribal plan, including the plan pages and required and optional attachments
- Understand the benefits of the streamlined plan amendment process
- Learn how to submit the attestations
- Know when and how to submit plan amendments

Current or Streamlined Process

Tribal Plan Amendment Process

Tribal child support programs must select a method for revising their tribal plan:

Traditional Process

45 CFR 309.35, TDCL-10-07, TDCL-11-01, and IM-22-02

Streamlined Process

45 CFR 309.35 and AT-23-04

Optional Streamlined Tribal Plan and Plan Pages

Optional Streamlined Tribal Plan

The plan pages include:

- Table of contents
- Cover page
- 14 sections plan pages
- Agreements plan page

Benefits

- Organize information
- Identify required attachments
- Simplify plan amendment submission
- Reduce paperwork burden
- Provide tribal child support enforcement programs with more flexibility to govern their tribal plans and meet the needs of their communities

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
  - May submit a plan amendment for significant or material changes to the optional attachment

Cover Page

- Identifies the tribe and the name of the tribal child support program
- Includes an attestation affirming that the tribe is complying with applicable federal laws and regulations, such as 45 CFR Parts 309 and 310
  - Note: you do not have to develop your own attestation.

14 Sections 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
- Include attestations that the tribal child support program will comply with the federal requirements listed on the page
  - Note: you do not have to develop your own attestations.

Agreements Plan Page

- Includes the agreements and contracts regarding the operation of the tribal child support enforcement program in accordance with 45 CFR 309.60(c)

Submitting Attestations

Attestations

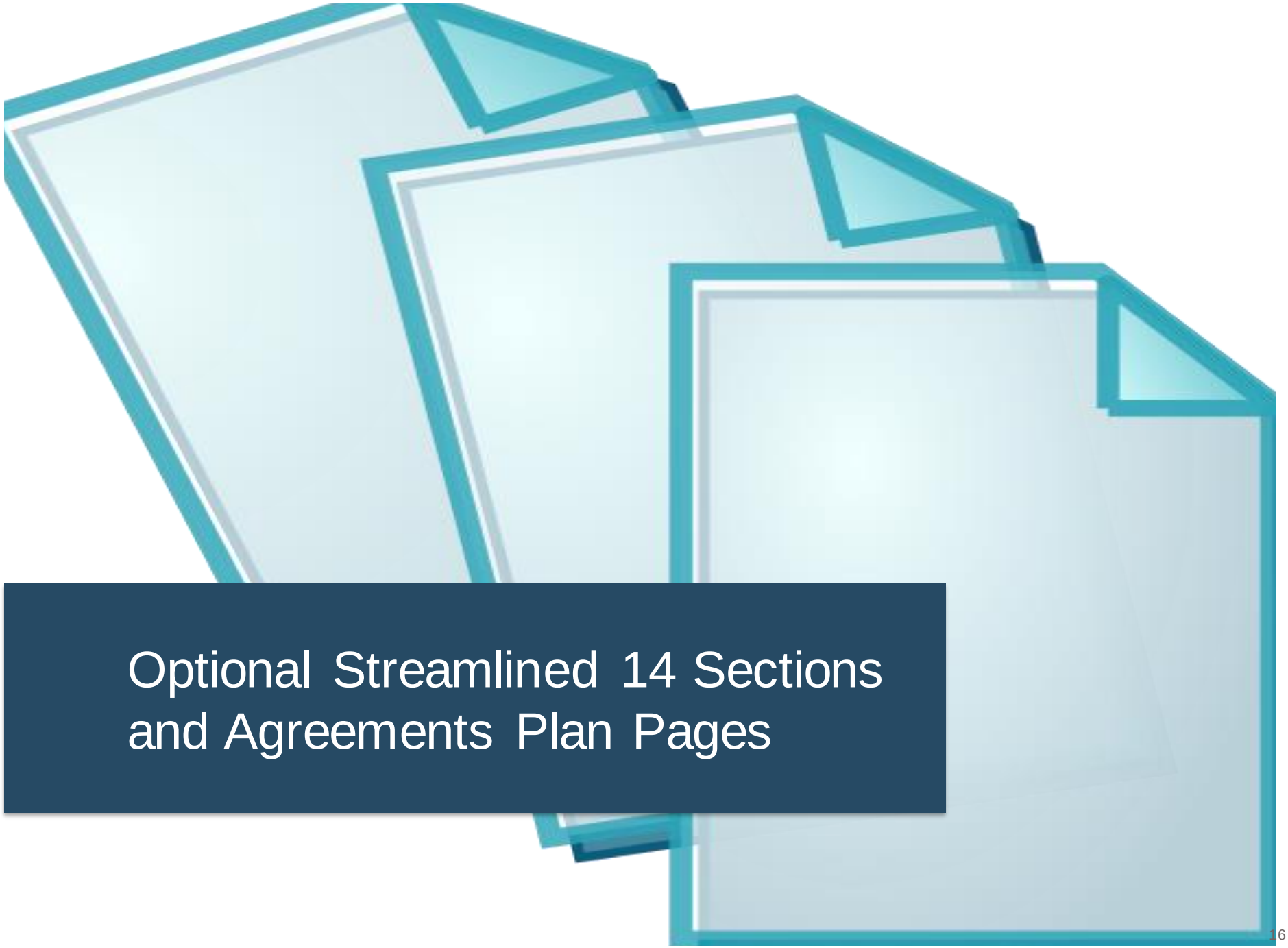
- Attestations provide evidence that the tribe will continue to comply with the requirements in 45 CFR Parts 309 and 310.
- Each plan page includes an attestation with the primary regulatory citations that compromise the tribal plan.
  - Not an exhaustive list of all the requirements within the tribal child support regulations
- Must submit all the plan pages at once to attest to complying with the tribal child support regulations and streamlined tribal plan and plan amendment process
  - Must be submitted before using the streamlined process. OCSE may complete the plan pages on your behalf.
  - Thereafter, you only submit the plan page associated with the significant change.

Submission of Attestations

- Decide whether your tribal child support program will use the optional streamlined tribal plan and plan amendment process.
- If yes, submit your attestations as follows:
  - 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.

Submission of Attestations – Cont.

- Alternatively, you 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.
- After you submit 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.
  - OCSE has already organized your tribal plan in the streamlined format.
- OCSE will use the most recent version of the approved comprehensive tribal plan on file.



Optional Streamlined 14 Sections and Agreements Plan Pages

Streamlined Plan Pages

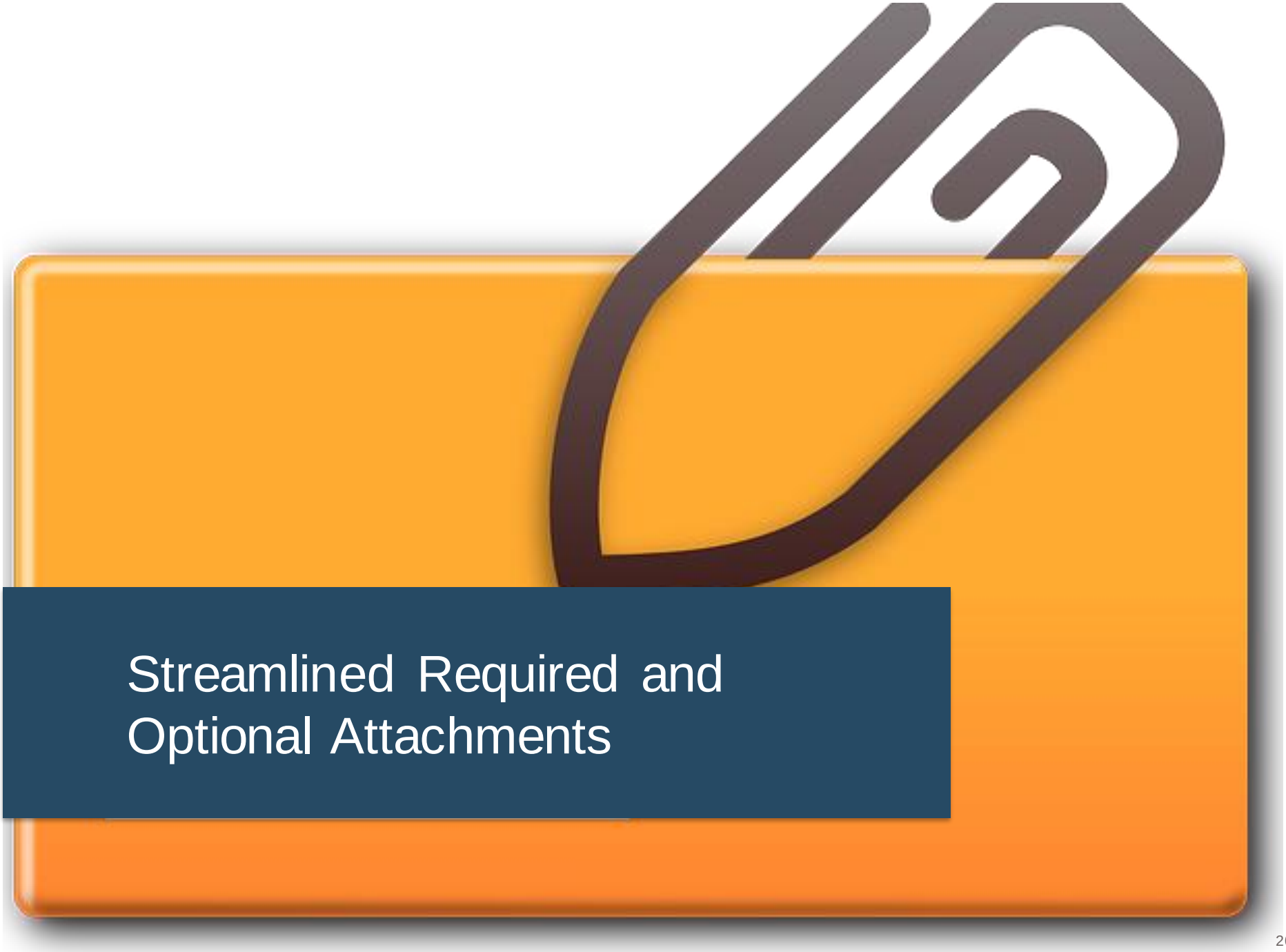
Section	Amendment Required	Attachment Required
Description of Population Subject to Tribal Court or Agency Jurisdiction	No	No
Procedures for Accepting Applications*	Yes	Application FTRO disclaimer (only reason)
Due Process Protections	No	No
Administrative and Management Procedures	Yes	Organizational chart or description
Safeguarding Procedures	No	No
Records Maintenance	No	No
Tribal Laws, Codes, and Regulations	Yes	Laws, codes, and regulations

Streamlined Plan Pages – Cont.

Section	Amendment Required	Attachment Required
Tribal Laws, Codes, and Regulations (policy and procedures)	Optional	Optional – policy and procedures
Locate Procedures	No	No
Paternity Establishment Procedures	No	No
Child Support Guidelines	Yes	Child support guidelines
Income Withholding Procedures	No	No
Distribution Procedures	No	No
Intergovernmental Case Processing Procedures	No	No

Streamlined Plan Pages – Cont.

Section	Amendment Required	Attachment Required
Tribally Determined Performance Targets	No	No
Agreements	Yes	Contracts, agreements, and tribal resolutions that delegate functions


Streamlined Required and
Optional Attachments

Streamlined Required and Optional Attachments

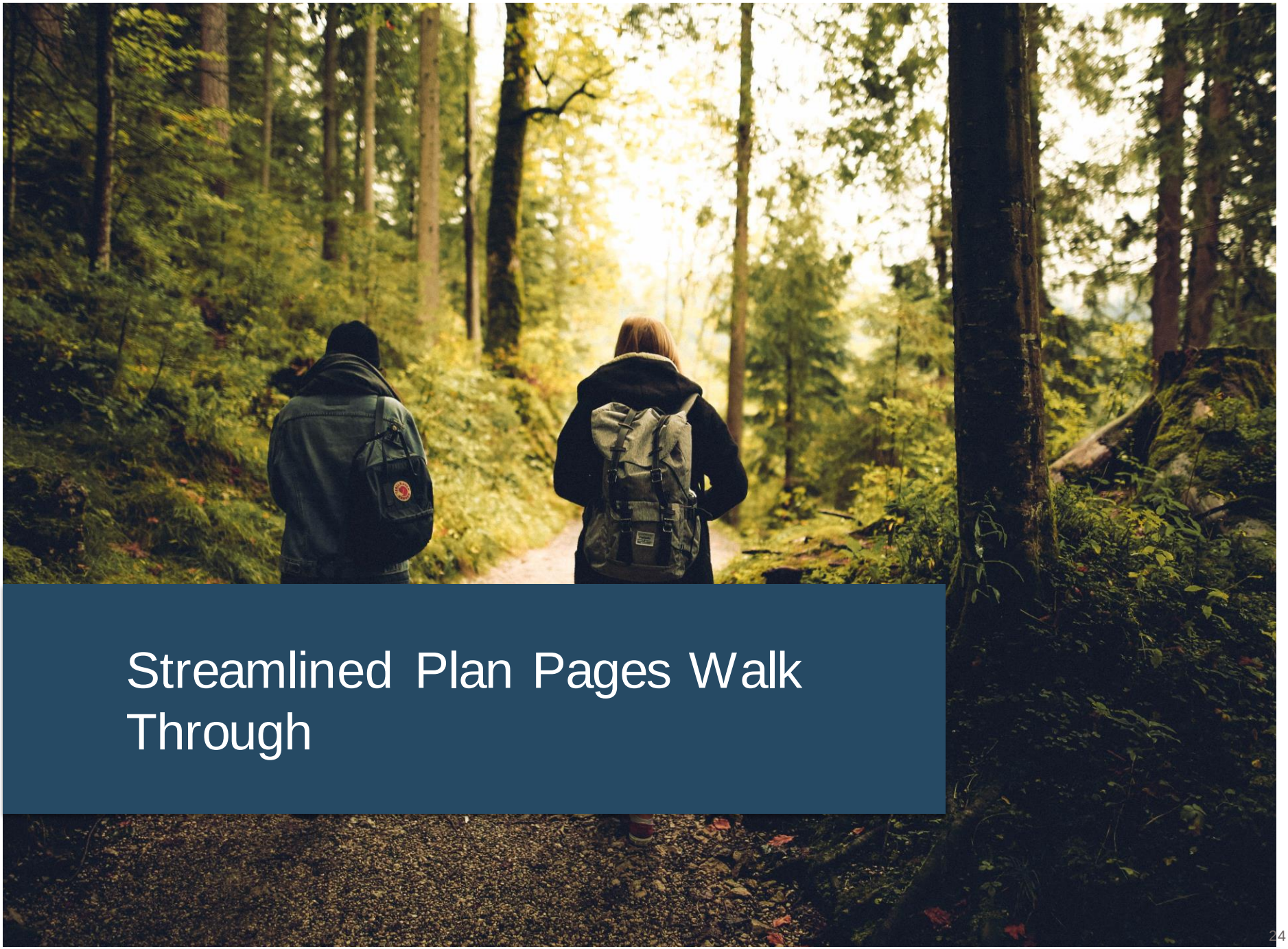
- Includes four required attachments:
  - Organizational chart or description
  - Tribal laws, codes, and regulations
  - Child support guidelines
  - Agreements, contracts, or tribal resolutions
- Includes one optional attachment:
  - Tribal policies and procedures
- Must submit a plan amendment for significant changes to the required attachments
- Have the option to submit a plan amendment for significant changes to the optional attachment

Required Attachment Significant Changes

Required Attachment	Significant Change Examples
Organizational Chart or Description	• Redistribute responsibilities • Add or remove positions
Tribal Laws, Codes, and Regulations	• Revise the tribal laws, codes, or regulatory provisions required by 45 CFR 309.90
Child Support Guidelines	• Revise the formulas or criteria for setting or modifying child support obligation amounts
Agreements, Contracts, or Tribal Resolutions	• Establish a new agreement with a state for administrative offset • Enter into a new contract with a vendor to perform genetic testing

Optional Attachment Significant Changes

Optional Attachment	Significant Change Examples
Tribal Policies and Procedures	• Develop new procedures for non-cash payments • Draft new policies for review and adjustment of support orders



Streamlined Plan Pages Walk Through

Approval and Effective Dates

Approval and Effective Dates

- Provided by OCSE to track when a plan amendment was approved and became effective in accordance with 45 CFR 309.35
- OCSE has 90 days to issue an initial decision (see 45 CFR 309.35(a)).
- OCSE has 45 days to issue a decision on requested information (see 45 CFR 309.35(b)).
- 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)).
  - Depends on when a tribe submits the plan amendment
  - May differ from when the significant change became effective within the tribe

Scenario

- OCSE receives a plan amendment on March 2 and has until May 31 to issue a decision (90 days).
- If on May 31 OCSE requests additional information and the tribe responds on July 15, OCSE has until August 29 to issue a decision (45 days).
  - Please note the 45-day deadline starts when OCSE receives the tribe's response.
- If on August 29, OCSE approves the plan amendment, the effective date may not be earlier than July 1.

Streamlined Tribal Plan Amendment Submission Process

Streamlined Plan Amendment Submission Process

- After attesting to the streamlined tribal plan pages and process, a tribe must submit a plan amendment for significant changes to the required attachments.
  - A tribe has the option to submit a plan amendment for significant changes to the optional attachment.
- Submissions must include:
  - **Letter** – concisely describe the significant change(s).
  - **Plan Page** – include the plan page associated with the significant change(s).
  - **Required or Optional Attachment** – include the required or optional document and identify the updates or revisions using track changes or highlights.

Streamlined Plan Amendment Submission Process – Cont.

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

Plan Amendment Due Date

Due Date

- In accordance with 45 CFR 309.35(e), a plan amendment must be submitted at the earliest reasonable time for review and approval.

Budget Submissions

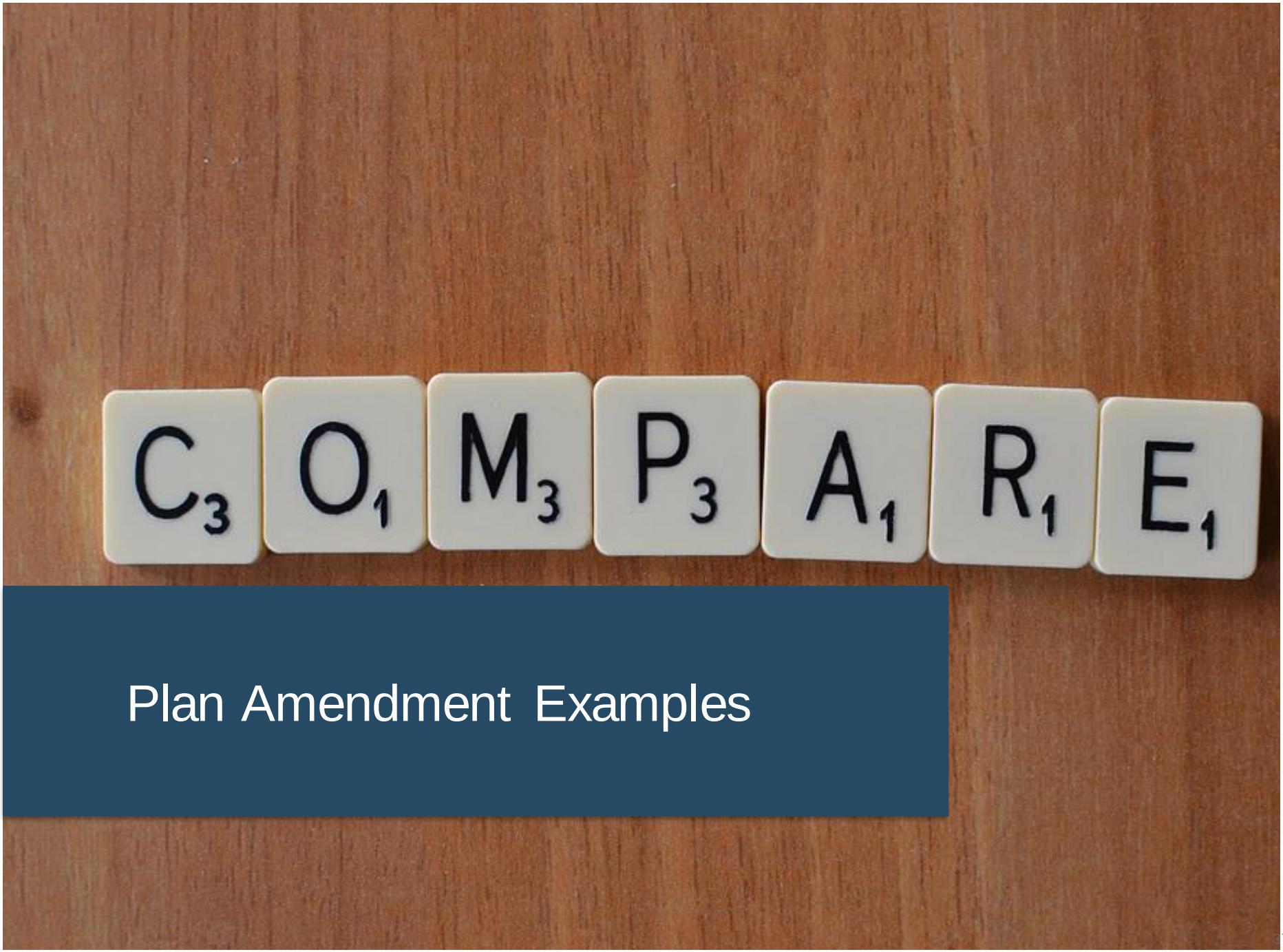
New Contracts and Budget Submissions

- Tribes using the streamlined process do not have to resubmit new contracts that they submit with their budgets.
- Must include the Agreements plan page with your budget to indicate you are also submitting a plan amendment in accordance with 45 CFR 309.60(c).
- OCSE will expedite the plan amendment review.

Record Maintenance

Record Maintenance

- Must continue to maintain records necessary for the proper and efficient operation of the program in accordance with 45 CFR 309.85
- Includes documentation that demonstrates compliance with the tribal child support program regulations



Plan Amendment Examples

Comparison of Plan Amendment Processes

Note: Plan amendment is **required** for Traditional Process

Significant Change	Streamlined Process	
Plan Amendment Required?	**Yes**	**No**
New locate procedures		X
New recordkeeping procedures for collections		X
Add domestic violence screening questions to IV-D application		X
Revise child support guidelines	X	
Revise paternity establishment laws	X	
Revise intergovernmental procedures		X
New genetic testing procedures		X
New referral procedures for non-paying parents		X
Revise sanctions for unauthorized disclosures		X
Updated organizational chart	X	
New contract for IV-D attorney	X	
Revise procedures for sending notices of support collected		X

QUESTIONS

For More Information

Tribal Plan Amendment Workgroup Members:

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