

## **ACTION TRANSMITTAL**

**AT-04-01**

**ATTACHMENT:** [Final Rule On Tribal Child Support Enforcement Programs 45 CFR Part 309](#)

**DATE:** March 30, 2004

**TO:** FEDERALLY RECOGNIZED INDIAN TRIBES, TRIBAL AGENCIES ADMINISTERING CHILD SUPPORT ENFORCMENT PROGRAMS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT, STATE AGENCIES ADMINSTRING CHILD SUPPORT ENFORCMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SERCURITY ACT, AND OTHER INTERESTED PARTIES.

**SUBJECT:** Final rule on Tribal Child Support Enforcement Programs

Attached is the final rule published in the Federal Register on March 30, 2004 (69 FR 16638) which implements section 455(f) of the Social Security Act (the Act) as added by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Public Law, 104-193) and amended by the Balanced Budget Act of 1997 (Public Law 105-33). The rule sets forth the requirements and related provisions, and provides guidance to Tribes and Tribal organizations on how to apply for and, upon approval, receive direct funding for the operation of Tribal IV-D programs.

The promulgation of these regulations is not only consistent with the commitment of the Department of Health and Human Services to the government-to-government relationship with Indian Tribes, but also with a productive partnership of the Office of Child Support Enforcement in all dealings with Tribes. Tribes exercise their inherent sovereignty by deciding whether or not to operate a Tribal IV-D program in the first instance. Tribes that choose to administer a Tribal IV-D program must operate programs capable of meeting the objectives of title IV-D of the Act in conformity with these regulations, but will have the opportunity to consider their unique circumstances and develop and administer programs consistent with Tribal laws and traditions. After consideration of the regulation, Tribes may decide that the Tribal children are best served by an existing program, through cooperative arrangements with a state or another Tribe or through programs administered by the Tribe without Federal funding.

This regulation reflects the input of consultations as well as careful consideration of all relevant comments received in response to the proposed rule. We recognize that Tribal IV-D programs are in the early stages of development and have established requirements which accommodate the unique characteristics and circumstances of tribes. At the same time, these regulations incorporate a framework which has proven effective in delivering needed child support services to families. The end result reflects the Federal government's determination of the minimum requirements necessary for the successful administration of child support programs capable of meeting the objectives of

title IV-D.

Essential to the Federal-State-Tribal effort to ensure that noncustodial parents support their children is coordination and partnership, especially in the processing of inter-jurisdictional cases. In order to ensure this coordination and partnership, the State plan requirements at part 302 were changed to include cooperation with all Tribal IV-D programs. This change requires states to extend the full range of services available under their IV-D plans to all Tribal IV-D programs.

**REGULATION REFERENCE:** 45 CFR Part 309.

**EFFECTIVE DATES:** For Tribes and Tribal organizations not operating a Tribal IV-D program under 45 CFR Part 310, these regulations are effective on March 30, 2004.

For Tribes operating a Tribal IV-D program under the Interim Final Rule, 45 CFR Part 310 will apply until no later than October 1, 2004. ***Tribes operating under the Interim Final Rule must submit revised Tribal IV-D plans certifying and documenting compliance with these final regulations (45 CFR Part 309) no later than October 1, 2004.***

**INQUIRIES:** Regional Administrators

Sherri Z. Heller, Ed. D.  
Commissioner  
Office of Child Support Enforcement