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ACTION TRANSMITTAL:

DATE:

TO: TRIBAL AGENCIES ADMINISTERING CHILD
SUPPORT ENFORCEMENT PLANS UNDER TITLE
IV-D OF THE SOCIAL SECURITY ACT AND OTHER
INTERESTED INDIVIDUALS

SUBJECT: The Tribal Child Support Enforcement Annual Data
Report, Form OCSE-75 and Tribal Narrative Reports

CONTENT: This Action Transmittal contains instructions for
completing the above form, which is to be used to report
program status and accomplishments under Title IV-D of
the Social Security Act as required by CFR 45 Section
309.170(b). Tribes administering Child Support
Enforcement Programs under Title IV-D of the Social
Security Act are required to submit the OCSE-75 report
annually, 90 days after the end of the Federal Fiscal
Year, or by December 29th of each year.

Please send the report to the following address:

Department of Health and Human Services
Administration for Children and Families
Office of Child Support Enforcement
Division of Planning, Research, and Evaluation
Fourth Floor West
370 L'Enfant Promenade, S.W.
Washington, DC 20447

RELATED MATERIAL:

AT-04-01, Final Rule on Tribal Child Support

Programs

Enforcement

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SUPERSEDED

AT-07-03

MATERIAL:

ATTACHMENTS:

Form OCSE-75 and instructions for completing the report.

EFFECTIVE DATE:

Tribes are to begin using this revised Form OCSE-75 to report Title IV-D Program status and accomplishments for Federal Fiscal Year 2010. The first report is due by December 29, 2010.

INQUIRIES TO:

of Planning, Research, and Evaluation

OCSE Division of Special Staffs
OCSE Regional Offices

OCSE Division

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Vicki Turetsky
Commissioner

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Office of Child Support Enforcement

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DEPARTMENT OF HEALTH AND HUMAN SERVICE
Administration for Children and Families
Office of Child Support Enforcement

Form Approved:
OMB No: 0970-0320
Expires:

**TRIBAL CHILD SUPPORT ENFORCEMENT ANNUAL
DATA REPORT**

(This report consists of one page.)

TRIBE:	SUBMISSION: New <input type="checkbox"/> Revised <input type="checkbox"/>	FISCAL YEAR:
ITEMS	<input type="checkbox"/> NARRATIVE REPORT: Place X in box to confirm narrative report is attached.	
SECTION A: CASE INVENTORY	TOTAL	
1. Total Number of Open Cases		
a. Total Number of Open Tribal TANF Cases		

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b. Total Number of Open State TANF Cases	
c. Total Number of Open Non-TANF Cases	
d. Total Number of Cases that Closed During the Fiscal Year (Optional)	
2. Total Number of Cases With A Support Order	
SECTION B: PATERNITY ESTABLISHMENT	
3. Total Number of Children in the Current Year Born Out-Of-Wedlock	
a. Total Number of Children in the Previous Year Born Out-Of-Wedlock	
4. Total Number of Children With Paternity Established or Acknowledged	
SECTION C: COLLECTIONS DUE AND DISTRIBUTED	
5. Total Amount of Current Support Due On All Cases	
6. Total Amount of Current Support Collected and Distributed	
7. Total Amount of Past Due Support Owed On All Cases	
8. Total Amount of Past Due Collected and Distributed	
SECTION D: PROGRAM COST	
9. Total Costs Claimed	
10. Total Amount of Fees and Costs Recovered	
11. Total Amount of Laboratory Cost for Paternity Establishment	
<p><u>Paperwork Act Notice:</u> Tribes are required to provide the information requested to receive a grant award under the provision of Title IV-D, Part 309 of the Social Security Act. This is public information. The responses to this collection are mandatory. This information is not considered confidential, therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.</p> <p><u>Reporting Burden Notice:</u> Public reporting burden for this collection of information is estimated to average 48 hours per response, including the time for reviewing instructions, gathering and compiling the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding either this burden estimate or other aspect of this request for information to: the Administration for Children and Families, Office of Child Support Enforcement, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447</p>	
This is to certify the information provided on this report is accurate to the best of my knowledge and belief.	Signature: Title IV-D Director or Other Official,
Agency Name	Typed Name, Title, Date:

FORM OCSE-75

INSTRUCTIONS FOR COMPLETING FORM OCSE-75, THE TRIBAL CHILD SUPPORT ENFORCEMENT ANNUAL DATA REPORT

GENERAL REPORTING INSTRUCTIONS

Tribal officials will use the OCSE-75 to report statistical and some financial information on their Title IV-D Child Support Enforcement (CSE) program to the

Department of Health and Human Services (HHS). Information provided by the tribes will allow HHS to report such information in the Annual Report to Congress and will provide HHS with information on how tribes are performing with their programs. The authority to collect this information is set forth in regulations at 45 CFR 309.170(b).

1. Submittal and Due Dates

The OCSE-75 report is to be completed by Tribal IV-D (child support) agencies for each Federal Fiscal Year ending September 30th. Tribal IV-D agencies must submit this report by December 29th of each year, or 90 days after the end of the Federal Fiscal Year. If the Tribe is using the Online Data Collection (OLDC) system to submit its report, the report must be entered into the OLDC system by the December 31st deadline. (See #3 on the following page for details on online reporting via OLDC).

An original signed OCSE-75 must be submitted to the OCSE Central Office at the following address or via online reporting.

Department of Health and Human Services
Administration for Children and Families
Office of Child Support Enforcement
Division of Planning, Research and Evaluation
Fourth Floor West
370 L'Enfant Promenade, S.W.
Washington, DC 20447

2. Signature

The OCSE-75 must be signed and dated by the Director of the Tribe's Title IV-D Program or by another appropriate official. For purposes of online reporting, each official wanting to report via OLDC will be assigned a special ID and password. Approving the electronic OCSE-75 under these IDs and passwords indicates that the appropriate person has reviewed and approved the report and is certifying that the information is accurate, to the best of his or her knowledge and belief.

3. Online Reporting

The Administration for Children and Families developed the Online Data Collection (OLDC) System to allow States and Tribes to submit their reports electronically through the HHS Website. The web address for accessing the online system is: <https://extranet.acf.hhs.gov/ssi>.

Tribes are encouraged to use this online system since it is the quickest way of submitting information to OCSE. If you need to obtain a user ID and password please contact the Office of Child Support Enforcement, Division of Planning, Research and Evaluation at (202) 401-5368.

4. Public Reporting

THE PAPERWORK REDUCTION ACT OF 1995

The public reporting burden for this collection of information is estimated to average about 60 hours per response, including the time for reviewing instructions, gathering and compiling the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments regarding this burden estimate or any other aspect of this request for information, including suggestions for reducing this burden, to Reports Clearance Officer, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Washington, DC 20447.

5. Narrative Reports

Under the Code of Federal Regulations (45 CFR 309.170(b)(6)), Tribes and Tribal organizations must submit a narrative report on the activities, accomplishments, and progress of the program, including success in reaching the performance

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targets established by the Tribe or Tribal organization. The narrative report must be included with the submission of form OCSE-75.

Tribes are to indicate on the OCSE-75 that a narrative report is attached by placing an “X” in the box at the top of the form that reads “narrative report”. Also note that, OLDC allows Tribes to electronically attach the narrative report to the OCSE-75 form.

Tribes are encouraged to provide OCSE with detailed information regarding the results of their program operations in their narrative reports. Tribes are also asked to identify the performance targets as such and discuss whether these targets were met for the reporting fiscal year.

In addition, OCSE requests that the narrative reports provide information regarding results, and not just process information.

For example:

- o A process statement would be: Our tribe sent 30 children for genetic testing.*
- o A results statement would be: Paternity was established for 80 of the 100 children born out-of-wedlock last year, resulting in a paternity establishment rate of 80 percent for these children.*

The following are examples of results statements taken from prior year’s narrative reports:

- o We collected and distributed more than \$20,000; and by end of the fiscal year had a collection on 91 of 100 cases.*
- o We established paternity for 160 children of the 190 children needing paternity established.*
- o We distributed more than \$440,000 in collections that was applied toward the \$690,000 due in current support (64 percent).*
- o Of 1,560 cases, 1,290 had orders (more than 80 percent).*

**DEFINITIONS TO USE IN COMPLETING FORM OCSE-75, TRIBAL
CHILD SUPPORT ENFORCEMENT PROGRAM ANNUAL DATA
REPORT**

The following definitions of terms are to be used in completing the OCSE-75:

Case Inventory Definitions

1. IV-D Case - A parent (mother, father, or putative father) who is now or eventually may be obligated under law for the support of a child or children receiving services under the Tribal and/or State IV-D Program.

A parent is reported as a separate IV-D case for each family with a dependent child or children that the parent may be obligated to support. **If both parents are absent and liable or potentially liable for support of a child or children receiving services under the Title IV-D Program, each parent is considered a separate IV-D case.**

a. Tribal TANF or State TANF Case - A case where the children have been determined to be eligible for Temporary Assistance for Needy Families (TANF) under Title IV-A of the Social Security Act, the children's support rights have been assigned by a caretaker relative to a Tribe or State, and a referral to the Tribal or State IV-D agency has been made, as appropriate.

b. Tribal Non-TANF or State Non-TANF Case - A case where the children *formerly* received Title IV-A (AFDC or Tribal or State TANF) or a case where the children are receiving services under the Title IV-D program, but have not previously received assistance under Title IV-A of the Social Security Act.

Support Order – The legal establishment of: (1) an amount of money that is due and owed by a parent for the support of the parent's child or children; and/or (2) the responsibility to provide health insurance and/or medical support for the child or children. This amount or responsibility must be established by court order or administrative process, voluntary agreement (in Tribes or States where such agreements are filed in the court or agency of the administrative process as an order and are legally enforceable) or other legal process. This includes a judgment for arrears. This does *not* include judgments under Tribal or State laws that create a debt owed to the Tribe or State by the non-custodial parent for public assistance paid for that parent's child or children (laws of general obligation).

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Paternity – The legal establishment of fatherhood for a child, either by Tribal custom, court determination, administrative process, or voluntary acknowledgment. A *paternity acknowledgment* involves the legal establishment of fatherhood for a child through a voluntary acknowledgement signed by both parents as part of an in-hospital or other acknowledgement service.

**SECTION AND LINE ITEM INSTRUCTIONS FOR THE
FORM OCSE-75, TRIBAL CHILD SUPPORT ENFORCEMENT
PROGRAM ANNUAL DATA REPORT**

The Code of Federal Regulations (45 CFR 309.170) states that Tribes and Tribal organizations will report quarterly collections on the “Child Support Enforcement Program: Quarterly Report of Collections” (Form OCSE-34A) and the following information annually:

- o Total number of cases and, of the total number of cases, the number that are State or Tribal TANF cases and the number that are non-TANF cases;
- o Total number of out-of-wedlock births in the previous year and total number of paternities established or acknowledged;
- o Total number of cases and the total number of cases with a support order;
- o The amount of current support due and collected;
- o Total amount of past due support owed and total amount collected;
- o Total costs claimed;
- o Total amount of fees and costs recovered;
- o Total amount of laboratory paternity establishment costs; and
- o A narrative report on activities, accomplishments, and progress of the program, including success in reaching the performance targets established by the Tribe or Tribal organization.

The “Tribal Child Support Enforcement Data Report”, the OCSE-75, is the approved form that comprehensive Tribes use to meet the annual statistical reporting requirements under 309.170.

The OCSE-75 contains four sections: A-Case Inventory, B-Paternity Establishment, C-Collections Due and Distributed, and D-Cost of the Program.

- o Section A - requires counting the entire open IV-D caseload
- o Sections B through D require counting activities for the fiscal year for which the Tribe is reporting.
- o The various section introductions and line item information provide specific details related to that particular section or specific line.

Particular attention should be given to the time period for counting the line items—during the Federal Fiscal Year (October 1 through September 30) *or* on the last day of the Federal Fiscal Year (September 30, which is a point-in-time count).

For example:

- o *line 3—children born out-of-wedlock in the current fiscal year—is a point-in-time end of the Federal fiscal year count;*
- o *line 3a—children born out-of-wedlock in the previous fiscal year—is a point-in-time end of the fiscal year count, but for the previous Federal fiscal year;*
- o *line 4—children with paternity established—can be an end of the Federal fiscal year point-in-time count or, at Tribe’s option, can include children in cases that closed during the Federal fiscal year; and*
- o *lines 5 and 6 (current support), 8 (past due support collected) and 9, 10 and 11 (costs and fees) include all amounts due, collected, or expended during the reporting Federal fiscal year.*

SECTION A: CASE INVENTORY

In this section, report the number of total IV-D cases (line 1), tribal TANF IV-D cases (line 1a), State TANF IV-D cases (line 1b), Non-TANF IV-D cases (line 1c) and, all cases that were open but closed during the Federal Fiscal Year (line 1d) in the Tribal caseload.

Include all cases with TANF or Non-TANF arrears that are open on the last day of the Federal Fiscal Year.

If there are multiple putative fathers for one child, only one case should be reported.

Report all IV-D cases open at the end of the Federal Fiscal Year (for lines 1-1c). If a parent has more than one child in the same family and any of the children are currently receiving TANF assistance, report the case as a TANF case.

If the tribe is unsure if a case is a TANF case or a Non-TANF case, report the case as being Non-TANF.

Report the total number of IV-D cases with a support order (line 2) that are in the tribal caseload.

Include in the count all cases sent to and received from other Tribes or States that are open at the end of the Federal Fiscal Year (Sept 30th). (These cases are sometimes referred to as interjurisdictional in these instructions).

A case is to be counted only once under each line that applies to that case.

Line 1 – Total Number of Open Cases

- Report the number of IV-D cases open on the last day of the fiscal year.

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- Include interjurisdictional cases open at end of the fiscal year as a result of: 1) requests for assistance received from another Tribe or State and 2) open cases that the reporting Tribe referred to another Tribe or State.
- A parent is reported as a separate case for each family with a dependent child or children that the parent may be obligated to support.
- If both parents are absent and liable or potentially liable for support of a child or children receiving services under the Title IV-D Program, then each parent is considered a separate IV-D case.

For example: When counting cases in a family where three children are placed as follows: 1 child with Foster Care; 1 child with a relative; 1 child with mom—there would be five cases: Foster Care has two (mom and dad); the relative has two (mom and dad); and Mom has one (dad).

- Lines 1a plus 1b plus 1c equal line 1.

Line 1a –Total Number of Open Tribal TANF Cases

- Of the total number of open IV-D cases reported on line 1, report the number where the children are receiving **Tribal TANF** services under Title IV-A of the Social Security Act.
- Report the number of open cases as of the last day of the fiscal year.
- Include Tribal TANF cases with arrears only in the count.
- Cases included on this line are a subset of the total open case tribal caseload and should have been counted on line 1.

Line 1b – Total Number of Open State TANF Cases

- Of the total number of open IV-D cases reported on line 1, report the total number where the children are receiving **State TANF** services under Title IV-A of the Social Security Act.
- If the Tribe does not know if a open case is receiving State TANF, report that case as Non-TANF.
- Include State TANF cases with arrears only in the count.
- Cases included on this line are a subset of the total open case tribal caseload and should have been counted on line 1.

Line 1c –Total Number of Open Non-TANF Cases

- Of the total number of open IV-D cases reported on line 1, report the total number where the children are not receiving TANF services under Title IV-A of the Social Security Act.
- If it is unknown whether or not a case is TANF or Non-TANF, count that case on line 1c as Non-TANF. In addition, you may inform us, in your narrative report, the number of such cases that are in your caseload.
- Cases included on this line are a subset of the total open case tribal caseload and should have been counted on line 1.

Line 1d – Total Number of Cases that Closed During the Fiscal Year (Optional)

- Report the total number of cases in the caseload that were opened at sometime during the fiscal year but closed before the last day of the fiscal year.
- The cases reported on this line are NOT a subset of line 1 and should not be included in the count for line 1.
- The reporting of this information is not required by regulation and is optional.

Line 2 – Total Number of Cases with a Support Order

- Report the number of IV-D cases open in the Tribal caseload that have a support order established.
- Include cases with orders for child support and/or medical support.
- Include cases with orders that were established prior to the case coming to the Tribal IV-D program or before becoming a IV-D case, as well as cases with orders established by the Tribal IV-D agency.
- Include judgments for arrears, regardless of whether there is a payment schedule or an order for ongoing support.

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- Include cases with orders that are no longer in effect, if the case is still open at the end of the fiscal year.

For example, this could be a case with an order that is no longer in effect but the Tribe has not had the opportunity to close the case before the end of the fiscal year.

- Please note that this is a count of every case in the Tribal caseload inventory that has an order, not just a count of the orders the Tribe established in the current year.
- Cases reported on line 2 are a subset of the total open case tribal caseload and should have been included in the line 1 count. Therefore, line 2 does not equal more than line 1.
- Include all cases received from or sent to another Tribe or State that have an order for support—regardless of when or where the order was established.

SECTION B: PATERNITY ESTABLISHMENT

Under Section B, Tribes are to report the number of children in each line item and not the number of cases.

For example, if in the current fiscal year the Tribe had 50 cases and each case involved 2 children who were born out-of-wedlock, 100 would be counted on line 3.

Lines 3 and 3a are an end of the Federal Fiscal Year count. At their option, tribes may count the number of paternities established on line 4 at the end *or* during the Federal Fiscal Year.

Include children in open cases both sent to and received from other Tribes or States in the count.

A paternity can only be counted once—either when a voluntary acknowledgement is obtained or when established by Tribal custom or at the time an order determining paternity is established.

Line 3 – Total Number of Out-Of-Wedlock Births for the Current Fiscal Year

- Report the number of children in all cases open at the end of the **current** Federal Fiscal Year who were born to parents not married to one another at the time of the child's birth.

Line 3a – Total Number of Out-Of-Wedlock Births for the Previous Fiscal Year

- Report the number of children in all cases open at the end of the **previous** fiscal year who were born to parents not married to one another at the time of the child's birth.

Please note: If the Tribe reported a number on line 3 of the previous fiscal year's OCSE-75 report and does not need to revise that number, the Tribe does not need to provide a number on line 3a. OCSE will have the Federal Grants Administration Tracking and Evaluation System (GATES) generate line 3a from the Tribe's previous fiscal year's report.

Line 4 – Total Number of Paternity Established or Acknowledged

- Report the number of children in cases open during *or* at the end of the fiscal year for whom paternity was ever adjudicated, established by Tribal custom, or established through voluntary acknowledgement programs.
- Children who were born to parents not married to each other and later adopted or legitimize by their parents marrying each other may be counted as having paternity established on line 4.
- This is a count of the total number of children in the Tribe's caseload who ever had paternity established, not just a count of the paternities that the Tribe established in the current year.
- There is no age limit for reporting children on line 4.

SECTION C: COLLECTIONS DUE AND DISTRIBUTED

In this section, report the amount of collections due and the amount of collections that were distributed and disbursed during the Federal Fiscal Year. Include support due in cases that closed during the fiscal year. Report amounts due, distributed, and disbursed in interjurisdictional cases for current collections due and distributed.

For purposes of this report, collections must be both distributed and disbursed.

- o *Distribution* is the identification and allocation of a child support collection to current and/or past-due support for a specific case.
- o *Disbursed* is the actual process of dispersing or paying out the collection. Any collection that has been distributed (i.e., identified and allocated) but

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not disbursed (i.e., paid out) is considered undistributed and is not reported under Section C.

Adjustments in collection numbers made by the Tribe or Tribal organizations during the reporting year that are needed due to over or under payments in previous fiscal years must not be included in the amounts reported in Section C.

For example, if a non-custodial parent's current support obligation ended last fiscal year and a check was received from that parent and the payment was returned to that person in the current fiscal year, an adjustment is not made to the current support amounts reported on line 6 to reflect that adjustment.

Only the agency that initiated the case is to report past due support due and distributed. If the Tribe is the responding agency for cases with a large amount of arrears due and distributed, the Tribe may provide the count of these cases and the amount owed by these cases in the narrative report.

Collections for medical support, spousal support, childcare, and other cash payments should be included in the amounts reported for Section C, at the Tribe's option, if they are included in the child support order.

For purposes of counting arrears or past due support, an arrearage occurs the month that the payment is missed.

Line 5 -Total Amount of Current Support Due On All Cases

- Report the total amount of current support due on all IV-D cases during the fiscal year.
- Include voluntary collections as amounts due. (Voluntary collections are those made without a support order or payments made that exceed the amount ordered where no arrears are due.)
- These amounts may be computed monthly and the total of all months reported at the end of the fiscal year.

Line 6 - Total Amount of Current Support Collected and Distributed

- Report the total amount of support collected, distributed, and disbursed as current support for all IV-D cases during the fiscal year.
- Voluntary payments are considered current support, for cases where no arrears are due, and should be reported on line 6 even though there is no order to require payment.

- Future payments (payments received before the due date) are to be counted once they are both distributed and disbursed. Do not include future payments on line 6 unless those payments have been both distributed and disbursed.
- These amounts may be computed monthly and the total of all months reported at the end of the fiscal year.
- Line 6 is less than line 5.

Line 7 - Total Amount of Past Due Support Owed On All Cases

- Report the total amount of support due but unpaid as of the end of the fiscal year for all fiscal years, including the fiscal year covered by the report.
- Interest and penalties on arrearages, if charged, may be included in the amounts.
- Regarding interjurisdictional cases with past due support, the Tribe only reports amounts for cases where the Tribe or Tribal organizations initiated the case.
- Amounts may be computed monthly and the total of all months reported at the end of the fiscal year.

Line 8 – Total Amount of Past Due Support Collected and Distributed

- Report the total amount of past due support collected, distributed, and disbursed during the fiscal year.
- The amounts reported should include judgments ordered and paid during this fiscal year for prior year support.
- In interjurisdictional cases, the Tribes or Tribal organizations are to report support only for cases the Tribe initiated past due support collected and distributed.
- Amounts may be computed monthly and the total of all months reported at the end of the fiscal year.
- Line 8 is less than line 7.

SECTION D: PROGRAM COST

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Section D collects information on what it costs Tribes and Tribal organizations to operate their IV-D programs. In this section, report the total amount of programmatic and administrative expenditures the Tribe is claiming for the Federal Fiscal Year. Also, report the amount of fees and other recoverable costs collected by the program and the total amount of laboratory costs for paternity establishment incurred by the Tribe or Tribal organizations during the fiscal year.

Line 9 – Total Costs Claimed

- Report the total amount of expenditures used for the administration and operation of the Tribal IV-D program and being claimed for Federal funding for the fiscal year.
- Expenditures are actual payments made to vendors, service providers, and contractors; or for administrative, personnel, or other cost items.
- They also include indirect costs allowable in accordance with an approved cost allocation plan.
- Expenditures are considered made on the date the payment occurs, regardless of the date of receipt of the good or performance of the service.

Line 10 – Total Amount of Fees and Costs Recovered in Excess of Fees

- Report the total amount of program income obtained during the fiscal year resulting from the operation of the program and used to offset administrative costs. Include:
 - o all mandatory or optional fees collected from recipients of child support enforcement services;
 - o any mandatory fees that the Tribe has opted to absorb rather than collect from recipients;
 - o amounts offset from collections or received directly from either the family or the noncustodial parent; and
 - o any collection fee the Tribe has opted to charge for IV-D or non-IV-D collection services that is not inconsistent with Federal law.
- Do not include fees for laboratory paternity testing (these fees are included with the entry on line 11).

Lines 11 – Total Amount of Laboratory Cost for Paternity Established

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- Report the total amount of laboratory costs associated with the process of determining paternity.
- The entry on this line will be the “net” amount of expenditures, reduced by any fees collected by the Tribe to recoup the cost of these services.