

Tribal Child Support Enforcement Direct Funding Requests

**OMB Information Collection Request
0970 - 0218**

Supporting Statement Part A - Justification

February 2024

Submitted By:
Office of Child Support Services
Administration for Children and Families
U.S. Department of Health and Human Services

1. Circumstances Making the Collection of Information Necessary

The Final Rule within 45 CFR Part 309, published in the Federal Register on March 30, 2004, contains a regulatory reporting requirement that in order to receive funding for a Tribal IV-D program, a tribe or tribal organization must submit a plan describing how the tribe or tribal organization meets or plans to meet the objectives of section 455(f) of the Social Security Act, including establishing paternity; establishing, modifying, and enforcing support orders; and locating noncustodial parents. The plan is required for all tribes requesting funding; however, once a tribe has met the requirements to operate a comprehensive program, a new plan is not required annually unless a tribe makes changes to its Title IV-D program. If a tribe or tribal organization intends to make any substantial or material changes, a Tribal IV-D plan amendment must be submitted for approval. Tribes and tribal organizations must have an approved plan and submit any required plan amendments to receive funding to operate a Tribal IV-D program.

On April 21, 2023 the Office of Child Support Services (OCSS) published a notice of proposed rulemaking in the Federal Register for the Elimination of the Non-Federal Share (see 88 FR 24526). The Final Rule published on February 12, 2024 (see 89 FR 9784) and as a result the requirements approved under this OMB number need to be updated. Specifically, OCSS proposes a new requirement for tribes and tribal organizations to provide that charging fees and recovering costs will not be permitted. Tribes and tribal organizations that charge fees and recover cost must submit a plan amendment demonstrating compliance with the proposed new requirement, in accordance with [45 CFR 309.35\(d\)](#). Only three tribal child support programs report data on the collection of fees and recovered costs.

2. Purpose and Use of the Information Collection

The information collected is necessary to enable OCSS to determine whether an applicant tribe or tribal organization meets the requirements to receive direct funding to operate a child support enforcement program under 455(f) of the Social Security Act and implementing regulations at 45 CFR part 309. The tribal plan gives each tribe a method for developing a statement to submit to OCSS for approval. The plan describes the nature and scope of its program and gives assurances that the program will be administered in conformity with the requirements in Title IV-D of the Act and the implementing regulations at 45 CFR part 309. The tribal plan is analogous to a tribe having a contract with OCSS in that it outlines the activities the tribe will perform as required by law in consideration for receiving federal funds to meet the costs of these activities. In this sense, the tribal plan is the basis for making federal funding available to the tribal IV-D agencies in the costs of operating the child support program.

An optional Table of Contents and a Cover Sheet for plan pages helps tribes to organize the tribal IV-D plan, identify required attachments, and streamline plan amendment submission.

This request to revise the requirements to no longer permit tribes and tribal organizations to charge fees and recover costs does not change the overall purpose or use of the information collection.

3. Use of Improved Information Technology and Burden Reduction

Funding for automated systems is available for tribal IV-D programs in accordance with 45 CFR part 310. Many tribes have office automation and are capable of tracking case activities and payments using office automation.

4. Efforts to Identify Duplication and Use of Similar Information

The requirements contained in this form do not duplicate any other reporting or recordkeeping requirements. In complying with those regulations that require information collection, agencies are specifically directed to use and build upon existing information, whenever it exists. It is the intent of these regulations that duplication of efforts be avoided and that information collection occurs only when information is not available from another source.

This information is a one-time request to change the tribal plan and is only necessary if the Elimination of the Non-Federal Share notice of proposed rulemaking published on April 21, 2023, becomes a published Final Rule.

5. Impact on Small Businesses or Other Small Entities

The collection of information does not involve small businesses or entities.

6. Consequences of Collecting the Information Less Frequently

The tribal IV-D agencies submit new plans to OCSS one time to initiate a program and then only submit plan amendments as needed. If a tribe chooses not to submit the initial new plan, they will not receive IV-D funding. In addition, the tribal IV-D programs will periodically amend their plans to reflect any material change in tribal laws, organization, policy, IV-D agency operation, or new federal requirements. OCSS must approve these amendments before implementation.

This will be a one-time information collection for a small group of tribal IV-D programs whose plans provide for the collection of fees and recovery of costs. This is only if the Elimination of the Non-Federal Share notice of proposed rulemaking becomes a Final Rule.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The collection of information involves no special circumstances.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency’s intention to request an OMB review of this information collection activity. This notice was published on October 13, 2023, Volume 88, Number 197, page 70993, and provided a 60-day period for public comment. OCSS received no comments during the notice and comment period.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift is provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

This request does not contain any confidential information.

11. Justification for Sensitive Questions

The required information collection does not involve asking sensitive questions.

12. Estimates of Annualized Burden Hours and Costs

The 62 respondents include tribes or tribal organizations submitting the 45 CFR 309 Plan to receive direct funding, and any tribal IV-D agency which makes a change to its already approved plan.

- We estimate that 10 tribes will prepare and submit new comprehensive tribal plans annually to OCSS, which is estimated to take an average of 480 hours. This estimate is consistent with prior submissions and based on experiences to date.
- We estimate that 60 tribes will prepare and submit amendments which is estimated to take an average of 105 hours. This time estimate is reduced in comparison to previous year as we expect the new optional plan pages to reduce the estimated time to provide an amended plan.
- We estimate that three tribes will need to submit plan amendments to remove charging fees or cost recovery to their plans, which is estimated to take an average of three hours. This time estimate is consistent based on experiences to date.

Information Collection	Total Number of Respondents	Total Number of Responses Per Respondent (over three years)	Burden Hours Per Response	Total Burden Hours (over three years)	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
45 CFR 309–New Plan	10	3	480	14,400	4,800	\$76.26	\$366,048
45 CFR 309–Plan Amendment	60	2*	105	18,900	6,300	\$76.26	\$480,438
45 CFR 309–Plan Amendment–Charging fees and recovering	3	1	3	9	3	\$76.26	\$686
Estimated Burden Hours and Costs:				33,309	11,103		\$874,172

*This estimate is based on an average number of about 2 amendments submitted per year per tribe, but that does vary annually and by tribe.

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Social and Community Service Managers [11-9151] and wage data from May 2022, which is \$38.13 per hour (mean). To account for fringe benefits and overhead, the rate was multiplied by two, which is \$76.26.

[May 2022 National Occupational Employment and Wage Estimates \(bls.gov\)](https://www.bls.gov/news.release/osh.toc.htm)

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no direct monetary costs to respondents.

14. Annualized Cost to the Federal Government

The annualized costs to the federal government for the hour burdens are based on an average wage rate of \$47 per hour for federal employees (grades 12-15) who review submitted tribal plans from respondents. Estimates regarding the hours spent processing each tribal submission (3 hours average per tribal plan for new plan submissions and plan amendments) was determined by employees’ experiences in reviewing tribal plans. Six federal employees review each tribal submission. Six federal employees multiplied by 3 hours, multiplied by \$47 per hour, multiplied by 62 responses, equals an annual cost to the federal government of \$52,452. The Average Wage Rate of \$47 per hour for federal level employees who review submitted tribal plans comes from the Bureau of Labor Statistics:

https://www.bls.gov/oes/current/oes_nat.htm

Regional Program Manager	Management Analyst (13-1111)	\$50.32/hour
Regional Program Specialist	Misc Social Scientist (19-3090)	\$44.61/hour

Tribal Program Specialist	Misc Social Scientist (19-3090)	\$44.61/hour
Policy Analyst	Misc Social Scientist (19-3090)	\$44.61/hour
IT Specialist	Computer & Information Analyst (15-1210)	\$50.11/hour
Grants Officer	Financial Analyst (13-2051)	\$45.71/hour

Average Wage Rate $(50.32+44.61+44.61+44.61+50.11+45.71)/6 = \46.66 or \$47.00/hour

15. Explanation for Program Changes or Adjustments

The change requested is due to the final rule for elimination of the tribal non-federal share requirement which will result in three additional amendments specific to the changing requirement. There are no changes proposed to the form or instructions to apply for a IV-D program or to make amendments to the plan. There are also no changes to the number of tribes, the estimated time to complete the initial application, or the estimated time to complete plan amendments.

16. Plans for Tabulation and Publication and Project Time Schedule

Data collection is ongoing throughout the year.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

Not Applicable

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.