Tribal Child Support Enforcement Direct Funding Requests

OMB Information Collection Request
0970 - 0218

Supporting Statement Part A - Justification

December 2024

Type of Request: Revision

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 requirement for submission of a tribal plan and plan amendments for the Child Support Services program is found in legislation at sections 455 of the Social Security Act (the Act). These sections are implemented by regulations at 45 CFR 309. Tribes are provided with instructions for completing the tribal plans and plan amendments.

The Office of Child Support Services (OCSS) has approved a IV-D tribal plan for each comprehensive tribal child support program. Federal regulations require tribes to amend their plans only when a tribe or tribal organization "intends to make any substantial or material change in any aspect of the Tribal IV-D program" (45 CFR 309.35(e)).

The Office of Management and Budget (OMB) previously approved the optional IV-D tribal streamlined plan forms, OMB 0970-0218. All tribes have IV-D plans in place. Some tribes use the optional streamlined plan forms to organize and update their plans. Plan amendments that tribes submit are required when there is a "substantial or material" change to the tribe's code or policy and procedures. On average, OCSS receives 30 annual plan amendments to notify OCSS of relevant changes required.

The streamlined plan for Tribal Direct Funding Request: 45 CFR 309 Plan information collection was approved by OMB for three years March 31, 2023. However, on May 31, 2024, OCSS published a Notice of Proposed Rulemaking (NPRM) (89 FR 47109; RIN 0970-AD00) proposing to allow federal financial participation (FFP) for certain optional and nonduplicative employment and training services for eligible noncustodial parents in the child support program. The proposed rule will permit tribes, at their discretion, to update their plan to use FFP to provide any or all of the following services: job search assistance; job readiness training; job development and job placement services; skills assessments; job retention services; work supports; and occupational training and other skills training directly related to employment. While the NPRM did not include tribes or tribal organizations, OCSS received multiple requests to include tribes in the rule.

On December 13, 2024, OCSS published the Employment and Training Services for Noncustodial Parents in the Child Support Program final rule (89 FR 100789; RIN 0970-AD00).

To incorporate changes resulting from this rule, we're requesting approval to revise and extend this currently approved collection for three years. Attachments include OMB 0970-0218, optional tribal plan pages.

2. Purpose and Use of the Information Collection

The information collected in the tribal plan are used by OCSS to determine whether each tribe or tribal organization has a IV-D plan that meets the requirements in Title IV-D of the Act and implementing regulations. The tribal plan is analogous to a tribe having a formal agreement with

OCSS in that it outlines the activities the tribe will perform as required by regulation in consideration for receiving federal funds to meet the costs of these activities. The tribal plan is the basis for making federal funding available to tribes for the costs of operating the Child Support Services program, and to ensure tribal child support programs are administered in accordance with the requirements in Title IV-D of the Act.

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 collection of information requirements contained in these forms does not duplicate any other reporting or recordkeeping requirements.

5. Impact on Small Businesses or Other Small Entities

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

6. Consequences of Collecting the Information Less Frequently

As noted under item 2, the tribal plan is the basis for making federal funding available to the tribe for the costs of operating the Child Support Services program. Generally, tribes submit their tribal plan to OCSS on a one-time only basis to reflect compliance with federal requirements. In addition, tribes will periodically amend their plans to reflect any material change in tribal laws, codes, and policy and procedures.

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

There are no special circumstances associated with collecting this information.

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 OMB regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published the Employment and Training Services for Noncustodial Parents in the Child Support Program NPRM in the Federal Register announcing the agency's intention to request an OMB review of the State Plan for Child

Support Collection and Establishment of Paternity Under Title IV-D of the Social Security Act information collection activity. This notice was published on May 31, 2024, Volume 89, Number 106, page 47109, and provided a sixty-day period for public comment[1]. During the notice and comment period, no comments were received regarding the information collection (ICR). OCSS published the Employment and Training Services for Noncustodial Parents in the Child Support Program final rule on December 13, 2024, Volume 89, Number 240, page 100789.[2]

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are involved in this information collection.

10. Assurance of Confidentiality Provided to Respondents

The required information collection does not require assurances of confidentiality.

11. Justification for Sensitive Questions

The required information collection does not involve asking questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

As of October 2024, there are 63 comprehensive tribal IV-D programs (respondents). Annually, half of the tribes submit a response each year for plan amendments and two for new plans.

OCSS estimates 36 tribes will submit plan amendments for the Employment and Training Services for Noncustodial Parents in the Child Support Program rule in total with approximately 12 submissions annually. Therefore, the annual burden hours for this tribal plan amendment are 72 hours.

The average time per response is estimated based on experience to date.

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1 Employment and Training Services for Noncustodial Parents in the Child Support Program - NPRM

2 Employment and Training Services for Noncustodial Parents in the Child Support Program - Final Rule

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
45 CFR 309-New Plan	2	1	480	960	480*	$80.20	$38,496.00
45 CFR 309–Amended Plan	63	1.5	105	9,922	3,307	$80.20	$265,221.40
Amendments Specific to the Employment and Training Services for Non-Custodial Parents in the Child Support Program	36	1	6	216	72	$80.20	$5,774.40
Estimated Annual Burden and Cost Total:					**3,859**		**$309,491.80**

*This total was updated based on ROCIS, the online submission system for OMB information collection requests.

We estimate that tribes will take six hours to draft the required information to amend their tribal plans to include the Employment and Training Services for Noncustodial Parents in the Child Support Program rule. 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 2023, which is $40.10 per hour (mean). To account for fringe benefits and overhead, the rate was multiplied by two, which is $80.20. The total estimated cost for an Employment and Training plan amendment is $5,774.40. Tribal child support programs receive 100% FFP, so there is no tribal share incurred to administer the tribal plan.

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

There are no other costs to respondents and record keepers.

14. **Annualized Cost to the Federal Government**

Instrument	**Total number of responses**	**Average federal burden hours per response**	**Average hourly federal wage**	**Total Annual Cost**
45 CFR 309 – New Plan	2	3	$53.00	$1,908
45 CFR 309 – Plan Amendment	31.5	3	$53.00	$30,051
Amendments Specific to	36	3	$53.00	$34,344

the Optional Employment and Training Services for Non-Custodial Parents in the Child Support Program				
Sum				**$66,303**

The annualized costs to the federal government for the hour burdens are based on an average wage rate of $53 per hour for federal employees (grades 12-15) who review submitted tribal plans from respondents. Estimates regarding the hours spent processing each tribal submission (three 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 $53 per hour, multiplied by 31.5 responses, equals an annual cost to the federal government of $31,959. OCSS expects an estimate of 36 tribes to submit plan amendments for Employment and Training Services. Six federal employees multiplied by 3 hours, multiplied by $53 per hour, multiplied by 36 responses, equals an annual cost to the federal government of $34,344. The Average Wage Rate of $53 per hour for federal level employees who review submitted tribal plans comes from the Bureau of Labor Statistics (May 2023): https://www.bls.gov/oes/current/oes_nat.htm

Regional Program Manager	Management Analyst (13-1111)	$55.54/hour
Regional Program Specialist	Social Scientist and Related Workers (19-3099)	$49.14/hour
Tribal Program Specialist	Social Scientist and Related Workers (19-3099)	$49.14/hour
Senior Policy Analyst	Management Analyst (13-1111)	$55.54/hour
IT Specialist	Computer & Information Analyst (15-1211)	$53.27/hour
Grants Officer	Financial Analyst (13-2051)	$54.30/hour

Average Wage Rate (55.54+49.14+49.14+55.54+53.27+54.30)/6 = $52.82 or $53.00/hour

15. Explanation for Program Changes or Adjustments

The estimate of annual burden hours has increased by 72 hours due to publication of the Employment and Training Services for Noncustodial Parents in the Child Support Program Final Rule. Since the tribes will only need to submit one plan amendment to establish this program, OCSS expects this to be a one-time increase.

16. Plans for Tabulation and Publication and Project Time Schedule

There is no planned analysis or publication of the data collected by state agencies.

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

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.