



Overview of Tribal Child Support Enforcement (CSE) Program Financing

May 22, 2023

All 50 states, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and [certain tribal nations](#) operate [Child Support Enforcement \(CSE\) programs](#) pursuant to [Title IV-D of the Social Security Act \(SSA\)](#). The program is federally administered by the Office of Child Support Enforcement (OCSE) in the [Administration for Children and Families \(ACF\)](#) of the [Department of Health and Human Services \(HHS\)](#). Program services include [parent location](#) and the [establishment, modification, and enforcement](#) of child support orders. CSE is estimated to handle [the majority of all child support cases](#); the remaining cases are handled by private attorneys, by collection agencies, or through mutual agreements between parents.

CSE programs generally receive federal funding from several different sources. However, tribal CSE programs are funded differently from non-tribal programs run by states, territories, and the District of Columbia. In addition, OCSE recently issued a [notice of proposed rulemaking \(NPRM\)](#) that would no longer require that tribes provide a non-federal funding contribution for the approved costs of their CSE program operations. This Insight summarizes this issue and selected recent developments.

Overview of Tribal CSE Programs

[Originally](#), Title IV-D of the SSA placed authority to administer the delivery of CSE services solely with the states. However, on many types of tribal lands the authority of state and local governments was (and continues to be) limited, constraining their ability to provide CSE services on tribal lands. Similarly, some Indian families had difficulty obtaining CSE services from the state CSE programs. The enactment of P.L. 104-193 (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [PRWORA]) permitted states to enter into cooperative agreements with Indian tribes and tribal organizations ([SSA §454\(33\)](#)). To further the goal of tribal self-governance, the HHS Secretary was also authorized to provide direct federal funding to Indian tribes with approved CSE programs ([SSA §455\(f\)](#)). The law did not specify whether tribes would be required to contribute financially to the costs of operating their CSE programs.

Congressional Research Service

<https://crsreports.congress.gov>

IN12164

Tribal CSE Program Financing

After the enactment of PRWORA, HHS promulgated [regulations](#) that specify how tribes and tribal organizations may apply for and receive direct funding to operate their CSE programs. Tribal CSE programs not meeting regulatory requirements may apply for start-up funding equal to 100% of approved and allowable expenditures (capped at \$500,000). Once a tribal program meets those requirements and is approved by the HHS Secretary, it is considered a “comprehensive” tribal CSE program. In contrast to the federal matching rate of 66% for CSE programs run by states, territories, or the District of Columbia, comprehensive tribal programs receive 90% federal funding of approved and allowable expenditures during the first three years of full program operation, and 80% funding thereafter. The non-federal share of CSE program expenditures may be in cash and/or in-kind, fairly valued, by the tribe or tribal organization and/or by a third party ([45 C.F.R. §309.130\(c\) and \(d\)](#)).

Federal regulations list [allowable activities and costs](#) that can receive federal reimbursement, and also stipulate those that are [not allowable](#). To receive federal funding, a tribal CSE agency must submit [certain budgetary information](#), including a quarter-by-quarter estimate of CSE expenditures for the fiscal year. Tribal programs unable to meet part or all of the non-federal share requirements may apply for a [waiver](#). “Anticipated temporary waiver requests” are due 60 days before the start of the “[funding period](#),” which generally coincides with the federal fiscal year. “Emergency waiver requests,” which are usually due to an emergency situation such as a natural disaster or public health emergency, may be submitted after the start of the funding period. Approved waivers expire at the end of the funding period.

Although federal matching funds are the primary financing mechanism for tribal CSE programs, such programs may also receive funding by [charging application fees and recovering actual costs](#) of providing services in excess of the application fee. ([According to OCSE](#), most do not because many tribal families have low incomes.) Fees and costs recovered are considered program income and must be used to reduce the amounts of expenditures for federal matching. Additionally, tribal CSE programs [may require](#) families receiving cash assistance under the [Temporary Assistance for Needy Families program](#) to [assign](#) (i.e., legally turn over rights to) their child support to the tribe.

Selected Recent Developments

[Most tribal CSE programs](#) were established between 2008 and 2014; one such program has been established since 2018. [As of FY2021](#), [60 tribal nations](#) operated comprehensive CSE programs, collecting an estimated \$53 million in child support. Of that amount, \$11 million was distributed to other tribes, states, or countries. In [FY2019](#), the most recent period for which data are available, comprehensive tribal programs served about 59,000 [cases](#).

In 2020, at the start of the COVID-19 pandemic, OCSE provided [guidance](#) that tribal CSE programs could apply for emergency waivers of the non-federal shares of program expenditures because of COVID-19. In addition, OCSE provided those programs with flexibility on the [required documentation](#) for the waiver requests. OCSE [subsequently approved](#) 31 waivers in FY2020, 27 in FY2021, and 12 in FY2022. (In contrast, OCSE granted 10 emergency waivers total between FY2016 and FY2019.) The termination of the COVID-19 Public Health Emergency on May 11, 2023, [ended those flexibilities](#).

On April 21, 2023, OCSE published an [NPRM](#) proposing to eliminate the tribal non-federal share requirements and to prohibit tribal programs from charging fees and recovering costs. ([Comments](#) are due on June 20, 2023.) [OCSE stated](#) that the NPRM “responds to feedback and recommendations submitted during Tribal Consultations and OCSE listening sessions about the hardship of meeting the non-Federal share requirement.” Tribes have generally found the financial requirements to be disruptive, causing programs to operate with resource deficits to address systems needs or at-risk populations. These programs have not found waivers a sufficient remedy because “[extensive submission procedures](#)” create

administrative burdens, taking staff away from the program mission. OCSE anticipates that it would continue to control program costs through existing requirements for tribal CSE programs to submit their budgets to OCSE for approval.

Author Information

Jessica Tollestrup
Specialist in Social Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.