



Overview of Tribal Child Support Enforcement (CSE) Program Financing

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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 Services (OCSS) 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 (DC). In order to qualify for federal funding, these tribal CSE programs have until recently been required to contribute nonfederal funding to pay for a percentage of approved program costs. However, on February 12, 2024, OCSS issued a [final rule](#) that eliminates this requirement. This Insight provides background on Title IV-D tribal CSE programs, the original funding requirements for these programs, and recent developments.

Background on 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.

To further the goal of tribal self-governance, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193) authorized the HHS Secretary to provide direct federal funding to Indian tribes with approved CSE programs ([SSA §455\(f\)](#)). (PRWORA also permitted states to enter into cooperative agreements with Indian tribes and tribal organizations [[SSA §454\(33\)](#)]).

[Most tribal IV-D CSE programs](#) were established between 2008 and 2014; however, only one such program has been established since 2018. As of the date of this report, [60 tribal nations](#) operate

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comprehensive CSE programs. In FY2020, the most recent period for which program data are available, these programs served about 57,000 cases and collected an estimated \$58 million in child support (of which \$11 million was distributed to other tribes, states, or countries).

Original Funding Requirements

PRWORA did not specify whether tribes would be required to contribute financially to the costs of operating their CSE programs. Subsequent 2004 regulations stated that full federal funding (capped at \$500,000) would be provided for “start up” tribal CSE programs not yet meeting the regulatory requirements. “Comprehensive” programs (i.e., those that meet those requirements) would receive 90% federal funding of approved and allowable expenditures during the first three years of full program operation, and 80% funding thereafter. (In contrast, the federal matching rate for CSE programs run by states, territories, or DC is 66%.) Tribal programs unable to meet part or all of the nonfederal share requirements also could apply for a waiver for the duration of the “funding period,” which generally coincided with the federal fiscal year.

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 and a narrative justification for each cost category. This plan must be approved by HHS and is subject to audits.

Although federal matching funds are the primary financing mechanism for tribal CSE programs, the 2004 regulations allowed tribal child support programs to charge application fees and recover actual costs of providing services in excess of the application fee. (According to HHS, most did not because many tribal families have low incomes.) Additionally, tribal CSE programs may require families receiving cash assistance under the Temporary Assistance for Needy Families (TANF) program to assign (i.e., legally turn over rights to) their child support to the tribe.

Recent Developments

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

On February 12, 2024, OCSS issued a final rule discontinuing the nonfederal funding contribution requirement for tribal CSE programs. (The NPRM issued April 21, 2023, was substantively the same as the final rule.) OCSS stated that “many Tribes and Tribal organizations face systemic, historical, and ongoing issues that impact their ability to meet the non-Federal share.” 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. Moreover, waiver requirements create administrative burdens that take staff away from the program mission.

Under the final rule (effective October 1, 2024), up to \$500,000 in federal funding would still be provided for “start up” tribal CSE programs, but “comprehensive” programs would receive 100% federal funding of approved program costs under the same annual budget submission and approval requirements discussed above. A related change in the final rule prohibits these programs from charging fees or recovering costs, but they may still require TANF families to assign their rights to child support to the tribe. OCSS anticipates that the annual costs associated with this rule will be \$17.2 million (FY2025),

\$19.0 million (FY2026), \$26.4 million (FY2027), \$34.3 million (FY2028), and \$42.6 million (FY2029). OCSS has released [Updated Tribal Budget and Narrative Justification Templates \(ACF-OCSS-AT-24-04\)](#), and [Guidance for the Tribal Child Support Program Start-Up Application Process \(ACF-OCSS-IM-24-01\)](#).

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