

**§ 309.135 What requirements apply to funding, obligating and liquidating Federal title IV–D grant funds?**

(a) *Funding period.* (1) *Ongoing funding.* Federal title IV–D grant funds will be awarded to Tribes and Tribal organizations for use during a 12-month period equivalent to the Federal fiscal year of October 1 through September 30.

(2) *Initial grant.* A Tribe or Tribal organization may request that its initial IV–D grant be awarded for a funding period of less than one year (but at least six months) or more than one year (but not to exceed 17 months) to enable its program funding cycle to coincide with the funding period specified in paragraph (a)(1) of this section.

(b) *Obligation period.* A Tribe or Tribal organization must obligate its Federal title IV–D grant funds no later than the last day of the funding period for which they were awarded. Any of these funds remaining unobligated after that date must be returned to the Department.

(c) *Liquidation period.* A Tribe or Tribal organization must liquidate the Federal title IV–D grant funds obligated during the obligation period specified in paragraph (b) of this section no later than the last day of the 12-month period immediately following the obligation period. Any of these funds remaining unliquidated after that date must be returned to the Department.

(d) *Funding reductions.* As required under § 309.130(b)(3), a Tribe or Tribal organization will report quarterly on Form SF 269A the amount of Federal title IV–D grant funds that have been obligated and liquidated and the amounts that remain unobligated and unliquidated at the end of each fiscal quarter during the obligation and liquidation periods. The Department will reduce the amount of the Tribe or Tribal organization's Federal title IV–D grant funds for the funding period by any amount reported as remaining unobligated on the report following the last day of the obligation period. The Department will further reduce the amount of the Tribe or Tribal organization's Federal title IV–D grant funds for the funding period by any amount reported as remaining unliquidated on

the report following the last day of the liquidation period.

(e) *Extension requests.* A Tribe or Tribal organization may submit a written request for an extension of the deadline for liquidating Federal title IV–D grant funds. Such a request must be sent to ACF, to the attention of the Federal grants officer named on the most recent grant award. The request must be submitted as soon as it is clear that such an extension will be needed; any request received after the end of the liquidation period will not be considered. The request must include a detailed explanation of the extenuating circumstances or other reasons for the request and must state the date by which the Tribe anticipates all obligated funds will be liquidated. Unless the Tribe receives a written approval of its request, the deadline stated in paragraph (c) of this section remains in effect.

**§ 309.145 What costs are allowable for Tribal IV–D programs carried out under § 309.65(a) of this part?**

Federal funds are available for costs of operating a Tribal IV–D program under an approved Tribal IV–D application carried out under § 309.65(a) of this part, provided that such costs are determined by the Secretary to be reasonable, necessary, and allocable to the program. Allowable activities and costs include:

(a) Administration of the Tribal IV–D program, including but not limited to the following:

(1) Establishment and administration of the Tribal IV–D plan;

(2) Monitoring the progress of program development and operations, and evaluating the quality, efficiency, effectiveness, and scope of available support enforcement services;

(3) Establishment of all necessary agreements with other Tribal, State, and local agencies or private providers for the provision of child support enforcement services in accordance with Procurement Standards found in 45 CFR part 74. These agreements may include:

(i) Necessary administrative agreements for support services;

(ii) Use of Tribal, Federal, State, and local information resources;

- (iii) Cooperation with courts and law enforcement officials;
  - (iv) Securing compliance with the requirements of the Tribal IV-D program plan in operations under any agreements;
  - (v) Development and maintenance of systems for fiscal and program records and reports required to be made to OCSE based on these records; and
  - (vi) Development of cost allocation systems.
- (b) Establishment of paternity, including:
- (1) Establishment of paternity in accordance with Tribal law codes, and/or custom in accordance with § 309.100 of this part, as outlined in the approved Tribal IV-D plan;
  - (2) Reasonable attempts to determine the identity of a child's father, such as:
    - (i) Investigation;
    - (ii) Development of evidence, including the use of genetic testing performed by accredited laboratories; and
    - (iii) Pre-trial discovery;
  - (3) Actions taken by a tribunal to establish paternity pursuant to procedures established by Tribal law, and/or codes or custom in accordance with § 309.100 of this part;
  - (4) Identifying accredited laboratories that perform genetic tests (as appropriate); and
  - (5) Referrals of cases to another Tribal IV-D agency or to a State to establish paternity when appropriate.
- (c) Establishment, modification, and enforcement of support obligations, including:
- (1) Investigation, development of evidence and, when appropriate, court or administrative actions;
  - (2) Determination of the amount of the support obligation (including determination of income and allowable non-cash support under Tribal IV-D guidelines, if appropriate);
  - (3) Enforcement of a support obligation, including those activities associated with collections and the enforcement of court orders, administrative orders, warrants, income withholding, criminal proceedings, and prosecution of fraud related to child support; and
  - (4) Investigation and prosecution of fraud related to child and spousal support cases receiving services under the IV-D plan.
- (d) Collection and disbursement of support payments, including:
- (1) Establishment and operation of an effective system for making collections and identifying delinquent cases and collecting from them;
  - (2) Referral or transfer of cases to another Tribal IV-D agency or to a State IV-D program when appropriate; and
  - (3) Services provided for another Tribal IV-D program or for a State IV-D program.
- (e) Establishment and operation of a Tribal Parent Locator Service (TPLS) or agreements for referral of cases to a State PLS, another Tribal PLS, or the Federal PLS for location purposes.
- (f) Activities related to requests to State IV-D programs for enforcement services for the Federal Income Tax Refund Offset.
- (g) Establishing and maintaining case records.
- (h) Automated data processing computer systems for:
- (1) Planning efforts in the identification, evaluation, and selection of a new or replacement automated data processing computer system solution addressing the program requirements defined in a Tribal plan;
  - (2) Operation and maintenance of existing Tribal automated data processing computer systems;
  - (3) Procurement, installation, operation and maintenance of essential office automation capability;
  - (4) Establishment of intergovernmental agreements with States and Tribes for use of an existing automated data processing computer system necessary to support Tribal IV-D program operations; and
  - (5) Other automation and automated data processing computer system costs in accordance with instructions and guidance issued by the Secretary.
- (i) Staffing and equipment that are directly related to operating a Tribal IV-D program.
  - (j) The portion of salaries and expenses of a Tribe's chief executive and staff that is directly attributable to managing and operating a Tribal IV-D program.
  - (k) The portion of salaries and expenses of tribunals and staff that is directly related to required Tribal IV-D program activities.

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(l) Service of process.

(m) Training on a short-term basis that is directly related to operating a Tribal IV-D program.

(n) Costs associated with obtaining technical assistance that are directly related to operating a IV-D program, from non-Federal third-party sources, including other Tribes, Tribal organizations, State agencies, and private organizations, and costs associated with providing such technical assistance to public entities.

(o) Any other costs that are determined to be reasonable, necessary, and allocable to the Tribal IV-D program in accordance with the cost principles in OMB Circular A-87. The total amount that may be claimed under the Tribal IV-D grant are allowable direct costs, plus the allocable portion of allowable indirect costs, minus any applicable credits.

(1) All claimed costs must be adequately documented; and

(2) A cost is allocable if the goods or services involved are assignable to the grant according to the relative benefit received. Any cost that is allocable to one Federal award may not be charged to other Federal awards to overcome funding deficiencies, or for any other reason.

### **§ 309.150 What start-up costs are allowable for Tribal IV-D programs carried out under § 309.65(b) of this part?**

Federal funds are available for costs of developing a Tribal IV-D program, provided that such costs are reasonable, necessary, and allocable to the program. Federal funding for Tribal IV-D program development under § 309.65(b) may not exceed a total of \$500,000, unless additional funding is provided pursuant to § 309.16(c). Allowable start-up costs and activities include:

(a) Planning for the initial development and implementation of a Tribal IV-D program;

(b) Developing Tribal IV-D laws, codes, guidelines, systems, and procedures;

(c) Recruiting, hiring, and training Tribal IV-D program staff; and

(d) Any other reasonable, necessary, and allocable costs with a direct cor-

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relation to the initial development of a Tribal IV-D program, consistent with the cost principles in OMB Circular A-87, and approved by the Secretary.

### **§ 309.155 What uses of Tribal IV-D program funds are not allowable?**

Federal IV-D funds may not be used for:

(a) Activities related to administering other programs, including those under the Social Security Act;

(b) Construction and major renovations;

(c) Any expenditures that have been reimbursed by fees or costs collected, including any fee collected from a State;

(d) Expenditures for jailing of parents in Tribal IV-D cases;

(e) The cost of legal counsel for indigent defendants in Tribal IV-D program actions;

(f) The cost of guardians ad litem in Tribal IV-D cases; and

(g) All other costs that are not reasonable, necessary, and allocable to Tribal IV-D programs, under the cost principles in OMB Circular A-87.

## **Subpart E—Accountability and Monitoring**

### **§ 309.160 How will OCSE determine if Tribal IV-D program funds are appropriately expended?**

OCSE will rely on audits required by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" and 45 CFR part 74. The Department has determined that this program is to be audited as a major program in accordance with section 215(c) of the circular. The Department may supplement the required audits through reviews or audits conducted by its own staff.

### **§ 309.165 What recourse does a Tribe or Tribal organization have to dispute a determination to disallow Tribal IV-D program expenditures?**

If a Tribe or Tribal organization disputes a decision to disallow Tribal IV-D program expenditures, the grant appeals procedures outlined in 45 CFR part 16 are applicable.