

and (b) of this section in narrative form.

## **PART 309—TRIBAL CHILD SUPPORT ENFORCEMENT (IV-D) PROGRAM**

### **Subpart A—Tribal IV-D Program: General Provisions**

Sec.

- 309.01 What does this part cover?  
 309.05 What definitions apply to this part?  
 309.10 Who is eligible to apply for and receive Federal funding to operate a Tribal IV-D program?

### **Subpart B—Tribal IV-D Program Application Procedures**

- 309.15 What is a Tribal IV-D program application?  
 309.16 What rules apply to start-up funding?  
 309.20 Who submits a Tribal IV-D program application and where?  
 309.35 What are the procedures for review of a Tribal IV-D program application, plan or plan amendment?  
 309.40 What is the basis for disapproval of a Tribal IV-D program application, plan or plan amendment?  
 309.45 When and how may a Tribe or Tribal organization request reconsideration of a disapproval action?  
 309.50 What are the consequences of disapproval of a Tribal IV-D program application, plan or plan amendment?

### **Subpart C—Tribal IV-D Plan Requirements**

- 309.55 What does this subpart cover?  
 309.60 Who is responsible for administration of the Tribal IV-D program under the Tribal IV-D plan?  
 309.65 What must a Tribe or Tribal organization include in a Tribal IV-D plan in order to demonstrate capacity to operate a Tribal IV-D program?  
 309.70 What provisions governing jurisdiction must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.75 What administrative and management procedures must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.80 What safeguarding procedures must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.85 What records must a Tribe or Tribal organization agree to maintain in a Tribal IV-D plan?  
 309.90 What governing Tribal law or regulations must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.95 What procedures governing the location of custodial and noncustodial par-

ents must a Tribe or Tribal organization include in a Tribal IV-D plan?

- 309.100 What procedures for the establishment of paternity must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.105 What procedures governing child support guidelines must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.110 What procedures governing income withholding must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.115 What procedures governing the distribution of child support must a Tribe or Tribal organization include in a Tribal IV-D plan?  
 309.120 What intergovernmental procedures must a Tribe or Tribal organization include in a Tribal IV-D plan?

### **Subpart D—Tribal IV-D Program Funding**

- 309.125 On what basis is Federal funding of Tribal IV-D programs determined?  
 309.130 How will Tribal IV-D programs be funded and what forms are required?  
 309.135 What requirements apply to funding, obligating and liquidating Federal title IV-D grant funds?  
 309.145 What costs are allowable for Tribal IV-D programs carried out under §309.65(a) of this part?  
 309.150 What start-up costs are allowable for Tribal IV-D programs carried out under §309.65(b) of this part?  
 309.155 What uses of Tribal IV-D program funds are not allowable?

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

- 309.160 How will OCSE determine if Tribal IV-D program funds are appropriately expended?  
 309.165 What recourse does a Tribe or Tribal organization have to dispute a determination to disallow Tribal IV-D program expenditures?

### **Subpart F—Statistical and Narrative Reporting Requirements**

- 309.170 What statistical and narrative reporting requirements apply to Tribal IV-D programs?

AUTHORITY: 42 U.S.C. 655(f), 1302.

SOURCE: 69 FR 16672, Mar. 30, 2004, unless otherwise noted.

### Subpart A—Tribal IV-D Program: General Provisions

#### § 309.01 What does this part cover?

(a) The regulations in this part prescribe the rules for implementing section 455(f) of the Social Security Act. Section 455(f) of the Act authorizes direct grants to Indian Tribes and Tribal organizations to operate child support enforcement programs.

(b) These regulations establish the requirements that must be met by Indian Tribes and Tribal organizations to be eligible for grants under section 455(f) of the Act. They establish requirements for: Tribal IV-D plan and application content, submission, approval, and amendment; program funding; program operation; uses of funds; accountability; reporting; and other program requirements and procedures.

#### § 309.05 What definitions apply to this part?

The following definitions apply to this part:

*IV-D services* are the services that are authorized or required for the establishment of paternity, establishment, modification, and enforcement of support orders, and location of noncustodial parents under title IV-D of the Act, this rule, the Tribal IV-D plan and program instructions issued by the Department.

*ACF* means the Administration for Children and Families, U.S. Department of Health and Human Services.

*Act* means the Social Security Act, unless otherwise specified.

*Assistant Secretary* means the Assistant Secretary for Children and Families, Department of Health and Human Services.

*Central office* means the Office of Child Support Enforcement.

*Child support order* and *child support obligation* mean a judgment, decree, or order, whether temporary, final or subject to modification, issued by a court of competent jurisdiction, tribunal or an administrative agency for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing jurisdiction, or of the parent with whom the child is living, which provides for monetary support, health

care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

The *Department* means the U.S. Department of Health and Human Services.

*Income* means any periodic form of payment due to an individual regardless of source, except that a Tribe may expressly decide to exclude per capita, trust, or Individual Indian Money (IIM) payments.

*Indian* means a person who is a member of an Indian Tribe.

*Indian Tribe* and *Tribe* mean any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe and includes in the list of Federally-recognized Indian Tribal governments as published in the FEDERAL REGISTER pursuant to 25 U.S.C. 479a-1.

*Location* means information concerning the physical whereabouts of the noncustodial parent, or the noncustodial parent's employer(s), and other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action in a case.

*Non-cash support* is support provided to a family in the nature of goods and/or services, rather than in cash, but which, nonetheless, has a certain and specific dollar value.

*Notice of Disapproval* refers to the written notification from the Department that the Tribal IV-D application, IV-D plan, or plan amendment fails to meet the requirements for approval under applicable Federal statutes and regulations.

*OCSE* refers to the Federal Office of Child Support Enforcement.

*Program development plan* means a document detailing the specific steps a Tribe or Tribal organization will take to come into compliance with the requirements of § 309.65(a), and the time-frame associated with each step.

*Regional office* refers to one of the regional offices of the Administration for Children and Families.

*Secretary* means the Secretary of the Department of Health and Human Services or designee.