Child Support Enforcement Tools - Parity

Summary:
- Tribal Child Support Enforcement agencies cannot utilize the Federal Income Tax Refund Offset Program that is a major tool utilized by states to fund child support payments.
- Support H.R. 3138, which amends Section 6402(c) of the Internal Revenue Code to permit Indian tribes or tribal organizations receiving funding under Section 455(f) of Title IV-D as CSE agencies to participate in the Federal Income Tax Refund Offset Program.

Background Information:
Child support is a cash transfer from the non-custodial parent to the custodial parent for the financial support of his or her children. All fifty states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands operate Child Support Enforcement (CSE) agencies. Historically, states managed CSE services for Indian tribes until federal legislation in the late 1990s included direct funding for approved CSE programs administered by Indian tribes.

Today, 61 tribes have their own CSE programs across the nation. Their services are similar to state counterparts, i.e. participating in location services of custodial and non-custodial parents, establish child support orders, distribution of payments, and other services. Tribal CSE agencies are responsible for enforcing child support orders. A tribal CSE can only utilize the income withholding enforcement mechanism. However, tribal CSE programs cannot access the Federal Income Tax Refund Offset Program that uses a portion or all of a non-custodial parent’s expected refund to pay delinquent child support to the custodial parent that is primarily used by states. The lack of parity severely impacts the ability of tribal CSE programs to administer their services in accordance with the same standards and responsibility as state and territory CSE programs operate.

Recommendation:
Support H.R. 3138, which amends Section 6402(c) of the Internal Revenue Code to permit Indian tribes or tribal organizations, as defined by as defined in subsections (e) and (l) of section 5304 of title 25, receiving funding under Section 455(f) of Title IV-D as CSE agencies to participate in the Federal Income Tax refund Offset Program. To be fully effective, tribal child support enforcement agencies need to have access to the same enforcement tools available to state and local agencies.