



Implementation of the Supporting America's Children and Families Act Tribal Consultation Summary

Background

On July 17, 2025, the U.S. Department of the Treasury (Treasury), the Bureau of the Fiscal Service (Fiscal Service), and the Internal Revenue Service (IRS) (collectively “the Department”) held a consultation on the Implementation of the [Supporting America's Children and Families Act](#) (Act).¹ The Act authorizes Tribal child support enforcement agencies (Tribal IV-D agencies) direct access to federal tax information to obtain federal tax refund offsets for the collection of past-due child support.

The Act expanded access to federal tax information (FTI) for specified child support enforcement (CSE) programs and their contractors. Prior to the passage of the Act, Tribal child support agencies that operate pursuant to Tribal IV-D of the Social Security Act,² were not permitted to directly access FTI to collect past-due support obligations from the federal tax refunds of parents who owe support. Instead, to access such information, Tribal child support agencies had to have a cooperative agreement with a state IV-D program in order to collect past due support payments from the tax refunds of parents who owe support.

Access to FTI by CSE programs and contractors of state, local, and Tribal IV-D agencies is governed by the safeguarding requirements of sections 6103(p)(4) and 6103(p)(9) of the Internal Revenue Code. Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies (Publication 1075) provides guidance to ensure the policies, practices, technical security controls, and safeguards employed by recipient agencies, agents, contractors, or sub-contractors adequately protect the confidentiality of FTI. The IRS published a Security and Privacy Alert on March 27, 2025, which serves as interim guidance revising Publication 10753, to implement the legislation and include Tribal IV-D agencies in the existing guidance that sets forth privacy safeguards for access to FTI. Additionally, Fiscal Service may amend its regulations at 31 CFR 285.^{3,4} which governs the offset of federal tax refund payments to collect past-due child support obligations

Details about the topics of conversation for the consultation can be found in the [Dear Tribal Leader Letter](#) that was published on June 23, 2025. Treasury held a virtual consultation to maximize Tribal participation across Indian Country. One hundred and twelve attendees joined the virtual consultation, and six comment letters were received. Commenters represented 43 different Tribal governments. The comment period ended on August 18, 2025.

Pursuant to Treasury's [Tribal consultation policy](#), below is a summary of the feedback received in the Tribal consultation.

¹ Pub. L. 118-258, 138 Stat. 2947 (2025).

² The IV-D program is charged with locating noncustodial parents, establishing paternity, establishing and enforcing support orders, and collecting child support payments from parents who are legally obligated to pay.

³ [Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies](#).

⁴ 31 CFR § 285.3 Offset of tax refund payments to collect past-due support.

Broad Feedback

Differences in the Governance and Size of Tribal and State IV-D Programs

Commenters explained how Tribal IV-D programs differ in both size and governance from their state counterparts. Commenters shared that many Tribal communities face high poverty and explained that, unlike states, Tribes generally have little or no ability to levy taxes to pay for operational costs. Due to these barriers, commenters explained equally that Tribal child support programs often operate with small staff and limited funding. In addition, a commenter shared that some Tribal child support services operate under a Tribal Court while other Tribes may organize these services in a department.

Further, commenters explained that while States have had time to develop their IV-D child support programs to access FTI, Tribes are newly afforded this direct access. As a result, Tribes need time to implement these programs in light of their unique legal status and operational differences. Commenters requested that the Department recognize these distinct challenges as they implement the Act.

Federal Response: We appreciate this feedback. The Office of Safeguards is available to meet one-on-one with interested Tribal IV-D programs to address questions you may have, and we recognize the importance of having an interactive process with eligible Tribal IV-D programs to implement this Act.

Recommendation for a Phased Approach to Implementation

The majority of commenters recommended that the Department offer a phased implementation timeline to comply with Publication 1075. Commenters detailed that such an extended implementation timeline would allow for smaller Tribal IV-D agencies to gain feedback from the Department on their IT infrastructure development, policies and procedures, and evaluations of the use of FTI. Commenters shared their belief that this phased approach would strengthen and improve their safeguarding responsibilities. Further, commenters explained that purchasing and implementing software designed to protect computer systems, networks, and ultimately FTI, takes time, and they prefer to begin the evaluation and approval process concurrently. Commenters requested that Tribes have a grace period for at least one year by enacting a temporary non-enforcement waiver. These commenters believe providing education as part of a phased implementation would allow new programs to build capacity before enforcement and sanctions are applied.

Federal Response: We appreciate the concerns raised and recommendations on the phased approach to implementation. The Office of Safeguards is committed to providing onboarding training and feedback during each stage of compliance to ensure adequate protection of the confidentiality of FTI. The Office of Safeguards is available to discuss timeframes for a respective applicant's compliance. Assessments during the implementation and suggestions for improvement will occur before any enforcement takes place. This approach to implementation reflects the extensive feedback received by Tribes.

Tribal Responses to Consultation Questions

1. Title II of the Act amends Section 6402(c) of the Code by adding the following: “For purposes of this subsection, any reference to a State shall include a reference to any Indian tribe or tribal organization receiving a grant under section 455(f) of the Social Security Act.” What questions or comments do you have for IRS or Fiscal Service regarding the implementation of this statutory provision?

Overall, commenters strongly supported the inclusion of Tribal IV-D agencies in the statutory definition of entities eligible to access the Treasury Offset Program (TOP) and FTI. Commenters shared that the amendment supports Tribal sovereignty and self-governance and child support enforcement, bringing long-overdue parity with state IV-D programs. Commenters shared their belief that reliance on states to collect past-due support for families sometimes leads to delays and barriers.

Commenters expressed that the Department should have equal recognition of Tribal court orders as legal enforcement actions without requiring state validation. Further, a commenter requested that the Department include in the implementation of this statutory provision a transparent process for debtor notification, hardship claims, and appeal rights that honor both federal due process and Tribal law.

Commenters strongly expressed that the IRS and the Fiscal Service as well as the Administration for Children and Families and Office of Child Support Services (OCSS) at the U.S. Department of Health and Human Services, coordinate implementation of the statutory provision, including implementation timelines to align programmatic and fiscal requirements.

Federal Response: The Department agrees that coordination between IRS, Fiscal Service, and OCSS is appropriate and recognizes that OCSS has a critical role in Tribal IV-D programs. We are engaged with OCSS on implementation of this Act.

The Department does not have a role in addressing the dispute of a debtor regarding whether their past due support or whether it may be collected through tax refund offset, including claims of financial hardship. TOP simply collects past-due (delinquent) debt for Tribes by matching information about a debtor to its federal tax refund. If there is a match, the Fiscal Service sends the amounts collected to OCSS. They, in turn, send the funding to the Tribe. The debtor must work with the Tribal IV-D agency that is servicing the debt to address debtor notification, hardship claims, and appeal rights under a Tribe’s IV-D Program.

2. As explained above, Publication 1075 safeguards FTI and includes specific compliance requirements and background check responsibilities. Tribal entities that are contractors to state IV-D programs currently comply with this guidance.

a. What questions or comments do Tribal IV-D agencies have regarding the criteria on a program’s establishment, policies and procedures, and requirements to have robust cybersecurity measures in place?

A commenter noted that Publication 1075 is over 200 pages, and nearly half is dedicated to cybersecurity and data safety measures. Commenters recommended that the Department supplement Publication 1075 by sharing compliance readiness checklists, sample cybersecurity policies that can be tailored, and one-pagers in the implementation materials. Further, a commenter noted that checklists and one-pagers specific to Tribal IV-D agencies could assist in breaking down condensed complex technology requirements from Publication 1075 into easily digestible information.

Commenters highlighted that Publication 1075 not only has standards for protecting data and systems electronically, but also physical security requirements through the Minimum Protection Standards (MPS). Commenters shared their understanding that one such MPS requires that to prevent unauthorized access to FTI, there must be at least two barriers, which could be a perimeter enclosed by slab-to-slab walls constructed of masonry brick or concrete, badged employees in an authorized space, or an independent security container (safe, vault, or locked cabinet). Commenters explained that many Tribal Administration buildings are overcrowded and that they must share space with other offices, often in cubicles. One commenter added that the Tribal IV-ID agency is governed under the Tribal Courts Department and, therefore, it shares a file room. The commenter further explained that while it has an audit-capable door to control access, it is accessible by multiple departments that share office space. Commenters request that the MPS section of Publication 1075 include criteria that accommodates smaller offices and diverse Tribal governance structures.

Commenters expressed that compliance with Publication 1075 will require financial investment to meet the technology requirements and that immediate changes would not be possible. A commenter provided an example that in an FTI assessment, the Tribe believed they were capable of secure outbound VPN/SFTP connections to receive FTI but not inbound and it would require additional costs. Commenters again expressed that the Department consider a phased approach, which would make cybersecurity readiness achievable. A commenter asked that the Department provide clarity in the IT assessment sections of Publication 1075 on what additional information security and cybersecurity requirements are required if the Tribal IV-D agency already has access to the Federal Parent Locator Service and Federal Cash Registry.

Some commenters shared that they would continue to utilize state programs because the anticipated cost to implement the cybersecurity requirements and compliance audits was not within budget.

Federal Response: We appreciate these detailed explanations. Feedback will be incorporated into the onboarding training and resources. Publication 1075 currently has callout boxes highlighted in blue to draw attention to specific information within each section.

Regarding the Minimum Protection Standards, Tribal IV-D agencies need not have every barrier outlined in Publication 1075. MPS requires at least two barriers, which may include a secured perimeter, security room, badged employees, or a security container. The Department acknowledges that there are times when non-Tribal IV-D employees may need access to an office space or share an office space, for example, custodial service workers. This may be permitted if there is a second barrier to prevent access to FTI.

b. What questions or comments do Tribal IV-D agencies have regarding the background check investigation requirements for all employees and contractors?

Commenters requested that the Department accept alternative background check investigations in cases where Tribal governments have enacted an internal background check protocol that may differ in form but serves the same purpose. Commenters explained that their Tribes conduct fingerprinting and employment background checks for child support enforcement staff before employment and continuously throughout employment. Commenters recommended that the Department add FAQs to Publication 1075 on commonly asked questions on the regulations regarding initiating criminal background checks for existing employees and contractors that have already gone through the Tribe's internal protocol.

A commenter recommended that Publication 1075, Section 2.C.3 Background Investigation Minimum Requirements, make clear that cultural considerations be allowed when implementing background check favorability standards. To illustrate the point, the commenter provided an example where the Tribal child support enforcement agency included in its background check policies and procedures favorability standards that include the person's overall character.

A commenter asked that Tribes be allowed direct access to criminal background checks through the Department of Justice's and the FBI's systems. A commenter shared that there is a high cost to hiring background check companies, and the time it takes to receive background checks for employees and contractors varies. The commenter further explained that having direct access could save funding intended for programming.

Federal Response: Publication 1075 sets forth only minimum standards for background checks needed to access federal tax information. We understand that employers may have background checks for different purposes or may be interested in adding additional suitability requirements. Publication 1075 is focused on the safeguarding of federal tax information and addresses baseline standards for all Title IV-D agencies.

Regarding the request for an FAQ, the Office of Safeguards currently has a [webpage](#) dedicated to background investigations. The Department appreciates this feedback and understands a Tribal IV-D's desire to determine if an individual meets the requirements of its favorability standards. The Tribal IV-D agency may adopt the favorability standards set by the Federal Investigative Standards (FIS) or may develop its own standards specific to FTI access.

With respect to the comment on accessing criminal background checks through the Department of Justice's and the FBI's systems, the Department does not conduct background checks or manage access to criminal background check systems. We will refer these comments to the appropriate agencies.

- c. Publication 1075 requires that programs notify the IRS prior to executing any agreement to disclose FTI to a contractor, or at least 45 days prior to the disclosure of FTI, to ensure that appropriate contractual language is included and that contractors are held to safeguarding requirements. What questions or comments do Tribal IV-D agencies have regarding this timeline and the specific information that must be included in the notification?

Overall, commenters find the 45-day requirement reasonable. One commenter recommended that there be emergency exceptions to the 45-day disclosure notice so that services could continue without interruption. Commenters recommended that the Department provide a standard contract clause template and model notification form to assist Tribal IV-D agencies with limited staffing in meeting the notification requirement.

Federal Response: We appreciate these comments. The Office of Safeguards has templates available to assist IV-D agencies.

d. **What questions or comments do you have on how Tribes can start the implementation process or obtain approval to begin?**

The majority of commenters requested that the Department provide technical support to help Tribal IV-D agencies understand the onboarding process and help ensure their policies, practices, and technical security controls comply with Publication 1075. Commenters added that, given the economic importance of child support to families, having dedicated technical assistance for the certification and submission process and training on how to navigate IRS and Fiscal Service systems is crucial to the Tribal IV-D onboarding success.

Federal Response: As explained above, we appreciate this feedback, and the Office of Safeguards will continue to offer onboarding and ongoing implementation training and support.

3. **To the extent that there are Tribal IV-D agencies operating in multiple jurisdictions or as a Tribal organization, what questions or comments do you have regarding the application of Publication 1075?**

Commenters requested that the Department provide guidance and establish procedures on the dispute resolution mechanism for multi-jurisdictional cases. These Tribes noted the importance of this issue in the context of “companion cases.” Companion cases involve a noncustodial parent (NCP) who has an existing child support order in Tribal court for a child enrolled in a Tribe and a related case for the same family from a different state. Another commenter provided a second cross-jurisdictional example where the NCP owes past due child support for both an enrolled child of a Tribe receiving child support services under an order from a Tribal court and a non-Native child living in a different state. Further, commenters asked that the Department provide clarification on the determination of which jurisdiction would receive the tax refund.

Regarding Tribal organizations, commenters explained that Tribal IV-D agencies that operate as a consortium of more than two Tribes joining together have a purpose of managing resources effectively by pooling together funding, sharing expertise, and streamlining operations. Commenters requested that there be clear confirmation that the statutory language “Indian tribe or tribal organization receiving a grant under section 455(f)” include Tribal IV-D agencies operating as consortia or through self-determination contracts. Commenters strongly recommended allowing a single approved Safeguard Security Report (SSR) to cover all member Tribes of the consortium under one certified IV-D plan. A commenter that is the lead agency in a consortium recommended that the Department consider policy amendments as sufficient when new members join the consortium, rather than having to resubmit a new SSR and technology audit if the lead agency continues to be the primary accessor of FTI. Commenters further recommended that the Department update Publication 1075 to clarify that compliance, annual submission of the SSR, and managing access to FTI are the responsibility of the consortia or lead agency and not each individual Tribe.

A commenter suggested that if the consortium has more than one operational site, the Department could apply Publication 1075’s standards to each field office but avoid duplicative reporting.

Federal Response: The Department agrees that it is important to understand the priority scheme that TOP will use in applying tax refund offset when a debtor owes support obligations in more than one jurisdiction. Any collections received for child support obligations from Federal income tax refund offset is applied to satisfy the child support obligation with the oldest delinquency date.

Regarding consortia, Publication 1075 will be updated to provide clarity that compliance, annual submission of the SSR, and managing access to FTI are the responsibility of the consortia or lead agency and not each individual Tribe.

4. With regard to Fiscal Service’s regulation at 31 CFR 285.3 and the addition of a reference to “Tribes” where “States” are currently referenced, what questions or comments do you have?

Commenters expressed that Tribes strongly support the inclusion of a Tribal child support agency in the amendments to the regulations at 31 CFR 285.3, where the offset of tax refund payments to collect past due support is discussed. A commenter recommended that the Department adopt terminology consistent with the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 5304(e), when defining “Tribe”. Commenters requested that updates to the guidance include communication that clarifies that Tribes are treated as sovereign participants and are not subject to state-defined eligibility rules, procedures, or thresholds. A commenter requested that Fiscal Service not only update regulations at 31 CFR 285.3, but also update the TOP materials, FAQs, and the related website regarding the Treasury Offset Program to include Tribes.

A commenter asked that Tribes be afforded advanced notice of the proposed changes to the regulations at 31 CFR 285.3 and that Tribal consultation occur if changes are more extensive than referencing Tribes where states are mentioned.

Federal Response: The Department thanks commentors for the feedback on this topic. Fiscal Service has a limited, administrative role with regard to administering access to FTI for authorized governments. Regarding the definition of “Tribe,” consistent with the Act, Fiscal Service believes the following definition is likely appropriate: “*Tribal IV-D agency*” means an Indian Tribe or Tribal organization that receives funding under section 455(f) of the Social Security Act.”

Regarding requested guidance updates, the Department does not impose cross-jurisdictional eligibility tests on either state or Tribal governments. Instead, consistent with the Act, TOP would treat states agencies and Tribal IV-D the same for purposes of the collection of support obligations through the offset of federal tax refund payments. Lastly, in the event of more extensive changes to 31 CFR 285.3, the Department would likely publish a Notice of Proposed Rulemaking to announce proposed changes, consistent with the Administrative Procedures Act process.

5. What other information, comments, or proposed solutions are important for the Department to know in implementing the Strengthening State and Tribal Child Support of the Act for Tribal IV-D programs?

To support Tribal IV-D compliance, commenters requested continuous engagement with IRS even after an SSR is approved. They explained that continuing training sessions on different topics and office hours with OCSS would assist Tribal agencies in understanding safeguard requirements. Commenters suggested that the Department designate a permanent federal point-of contact for Tribal IV-D agencies.

A commenter recommended that the Department charge one fee to access FTI when the NCP owes more than one debt from multiple child support orders from Tribal court. The commenter expressed that the Tribal IV-D agency has a limited budget and that one fee to access FTI from the same NCP could save funding intended for programming. A commenter asked that the Department allow the Tribal IV-D agency to determine the amount that should be taken out of the NCP's tax refund. In some cases, the Tribal IV-D agency may not want to offset the full tax refund.

Commenters also provided comments regarding the inclusion of FTI access costs as an allowable cost for OCSS funding.

Federal Response: Department appreciates the feedback and understands that training serves a mutual benefit. Given the complexity of the security requirements in Publication 1075, the Office of Safeguards plans to continuously hold onboarding training sessions and has technical advisors on staff to assist state and Tribal IV-D agencies.

Regarding the assessment of fees associated with Fiscal Service's costs of administering the tax refund offset program, fees are imposed on a per offset basis. Fiscal Service's fees are re-assessed on a regular basis, typically annually, and are calculated to cover Fiscal Service's costs for applying the TOP procedure. Regarding electing the amount to be taken out of the NCP's tax refund, section 6402(c) of the Internal Revenue Code provides that the tax refund will be reduced by the amount of any past-due support (as defined in section 464(c) of the Social Security Act) determined by the jurisdiction.

Regarding comments on OCSS funding, the Department acknowledges this feedback and will relay comments to OCSS.

