



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SAC-12-009

### **TITLE: Support for Tribal Child Support Programs Having Direct Access to the Federal Parent Locator Service and Federal Income Tax Refund Offset Program**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, in 1996 the Personal Responsibility and Work Opportunity Act (PRWORA) amended Title IV-D of the Social Security Act which allowed Tribes to receive federal financial assistance to develop and operate child support programs to ensure non-custodial parents provide for the emotional and financial support of their minor children; and

**WHEREAS**, the tribal child support programs were created to ensure that tribal children receive the necessary financial support from non-custodial parents, while ensuring that every child, regardless of the child's residency, has the opportunity to receive services from a IV-D program, whether such program be state or tribal; and

**WHEREAS**, since the passage of PRWORA, fifty-five Tribes have developed and are currently operating child support programs that provide services to tribal members, without the benefit of enforcement tools authorized by Congress to similar State child support agencies; and

**WHEREAS**, for a tribe to be most effective in ensuring that its tribal children fully receive the benefits and the funds that non-tribal children receive through State child support programs, it is necessary for the tribal programs to have access to the same enforcement tools available to the States; and

**WHEREAS**, the regulations failed to authorize Indian Tribes or Tribal Organizations who operate child support programs to have access to the Federal Parent Locator Service (FPLS) and Federal income tax refund offset program.

**NOW THEREFORE BE IT RESOLVED**, that it is in the best interest of Tribal children that Congress amend the Social Security Act § 453 to include tribal child support enforcement agencies receiving IV-D funding under section 455(f) of Title IV-D in the definition of an authorized agent so that Tribes may directly access the Federal Parent Locator Service; and

**BE IT FURTHER RESOLVED**, that it is in the best interest of Tribal children that Congress amend the Internal Revenue Code § 6402(c) and Social Security Act § 464, to permit Indian tribes or tribal organizations receiving funding under section 455(f) of Title IV-D to participate in the Federal income tax refund offset program; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary