



Resolution In Support of Access to Federal Tax Information for Child Support Purposes

Title IV-D of the Social Security Act provides authority and flexibility to states and tribes in delivering publicly funded child support services, including through inter-agency and private partnerships.

More than 20 years have passed since the Internal Revenue Code (IRC) provisions have been amended on access to federal taxpayer information (FTI) for purposes of establishing and enforcing paternity and child support. During that time, in addition to other modernizations, reforms, and family-focused changes, the federal government started funding tribal child support programs. Today, there are more than 60 federally funded tribal child support agencies.

Child support agencies also contract with other government agencies and private partners for a variety of critical services. This includes management of state disbursement units, which are responsible for the disbursement of all child support funds collected in a state; and technology services related to the maintenance and development of child support case management systems.

Title IV-D requires child support agencies to access FTI for establishment and enforcement purposes, including the federal tax refund offset program, which collects tens of millions in current and past-due child support every year. In many cases, FTI related to a parent's income and address can be vital to maintaining contact with the parent, to ensuring the ongoing appropriateness of income-based child support obligations, or to collecting consistent payments via income withholding. The name and address of a joint filer is often necessary to avoid offsetting the portion of a refund owed to the joint filer or to returning a portion of those funds to the joint filer.

The Internal Revenue Service (IRS) has taken the position that direct access to FTI by tribal child support programs is prohibited under current law, and that re-disclosure of FTI to contractors who provide services to those programs is authorized, but limited under IRC section 6103 to three elements: Taxpayer SSN, taxpayer address, and the amount of a tax offset.

Since 2002, the IRS and the federal Office of Child Support Services (OCSS) in the Administration for Children & Families (ACF) have been in agreement on the need to amend federal law regarding use of FTI by tribal child support agencies and contractors of government child support agencies. In [May 2007](#), OCSS specifically endorsed and encouraged states to partner with tribal child support agencies for purposes of offsetting federal tax refunds.

Legislation to modernize the IRC, including direct access to FTI by tribal child support agencies (S. 534), was passed by the United States Senate in July 2021 by unanimous consent. However, the House did not act on S. 534 before the end of the 117th Congress.

In audits conducted over the last decade or more, the IRS has made findings in nearly every state related to “unauthorized” access or re-disclosure of FTI to contractors. However, the IRS has acknowledged the ambiguity in federal law regarding disclosure of FTI to tribes and contractors and has held these findings and any corrective action “in abeyance” pending Congressional action reconciling the ambiguity.

In February 2023, without prior notice or indication of a pending change in position, the IRS alerted states that these audit findings would no longer be held in abeyance effective October 1, 2023. Instead, states would be expected to limit access to FTI to the three data elements listed in the IRC or lose access to FTI. In June 2023, the IRS announced an extension until October 1, 2024. Regardless of the timeframe, this change to limit access to FTI will detrimentally impact families receiving child support services from states, tribes, and local governments across the nation.

THEREFORE, the National Tribal Child Support Association, the National Council of Child Support Directors, and the National Child Support Enforcement Association jointly resolve to encourage Congress to act immediately to amend the appropriate provisions in the Internal Revenue Code and Title IV-D of the Social Security Act to:

1. Specifically authorize tribal child support programs to have access to federal tax information either directly or through an agreement with a state child support agency;
2. Modernize the disclosure provisions in the Internal Revenue Code so all elements of federal taxpayer information that are provided to state, local, and tribal child support agencies may be shared with contractors of those agencies for the sole purposes of establishing and enforcing child support obligations; and
3. Reconfirm that all federal taxpayer information that is shared with government child support agencies and their contractors must remain confidential and may not be further disclosed.

Approved June 13, 2023