

STATE/TRIBAL CHILD SUPPORT PARTNERSHIPS IN WASHINGTON STATE

Over the past 21 years, DCS and Indian Tribes in Washington State have partnered together to develop numerous child support cooperative agreements and processes to greatly improve child support services in Indian Country.

How did it start? In 1987, DCS signed its first Cooperative CS Agreement with the Confederated Tribes of the Colville Reservation (Colville Tribes). This was the result of discussions and efforts started by the Tribe's Chief Judge, Anita Dupris, and the local DCS District Administrator, Robert Burchinal. In 1990, DCS hired Sarah Colleen Sotomish, a Quinault tribal member and attorney with expertise in Federal Indian Law, to facilitate negotiation of child support agreements.

This long-term commitment of DCS to partner with tribes has seen many positive results. Here are a few examples of our joint cooperative efforts:

- 6 (Puyallup, Port Gamble S'Klallam, Lummi Nation, Quinault Nation, Nooksack, Tulalip) of the 33 National Tribal IV-D Programs are in Washington State, and of the 9 Start-Up Programs, 2 (Colville, Suquamish) are in Washington State.
- 5 Cooperative Agreements are in place: Colville Tribes, Nisqually, Kalispel, Nez Perce (Idaho), and Shoalwater Bay, and each utilize tribal courts.
- Agreements were negotiated with 5 tribal TANF tribes (Lower Elwha Klallam, Colville Tribes, Nooksack, Upper Skagit, and Quileute) to provide child support services on their tribal TANF cases. Informal child support processes with 20 tribes allowing limited wage-withholding of tribal employees and/or access to tribal courts.
- As a result, culturally-relevant child support services are being provided to both Indian and non-Indian children and families.

BUILDING BLOCKS FOR SUCCESSFUL STATE/TRIBAL RELATIONS

- Recognize the sovereignty of each federally-recognized Indian tribe and work with each of them on a government-to-government basis.
- Make an organizational commitment to regularly provide staff with education and training regarding tribal sovereignty and government-to-government relations.
- Have mutual respect and a basic understanding of each other's governments.
- Regularly communicate and consult with tribes. Ask each tribe how they see child support working on their reservation. Don't just send letters, it's better to make personal contacts. Consultation needs to be at the highest level of government.
- Focus on common interests, listen to each other, build trust, and develop a shared vision.
- Accept existing legal frameworks. Recognize that each tribe has the authority to: develop its own child support laws, operate a federally-funded child support program, or develop cooperative processes. Each tribe will want to address child support differently.
- Be willing to make a long-term investment of time and resources in order to build relationships, develop partnerships and improve services. It takes a lot of hard work by both governments, and often results are not fully realized for many years. Be creative and willing to think "outside-the-box."
- Have reasonable expectations. Tribes don't want to be mini-states. Tribes have greater flexibility than states in the developing child support programs.
- With tribal collaboration, develop tribal-specific policy, procedure, forms and needed legislation.

- Child support agreements can be formal (written Cooperative Agreement and Tribal Resolution), or they can be informal (memo, letter, verbal).
- There may be issues where you need to agree to disagree and move on.
- Inform and involve partners (Community Services Division, Prosecuting Attorney, State Tribal Relations Office, Indian Policy and Support Services, etc.) regarding new state/tribal agreements, tribal IV-D programs, and tribal TANF programs.

FRAMEWORK FOR STATE/TRIBAL RELATIONS IN WASHINGTON STATE

- **EXECUTIVE MANDATE.** In 1989, Governor Booth Gardner and Tribal Chairs of federally recognized tribes in Washington State negotiated and signed a Centennial Accord. Each party to the Accord recognizes and respects the sovereignty of the other and commits to implementing a government-to-government relationship. Each subsequent Governor has reaffirmed this commitment by Proclamation.
- **DEPARTMENT POLICY.** The Department of Social and Health Services (DSHS) developed Administrative Policy 7.01, American Indian Policy, that outlines DSHS' commitment to planning and service delivery to tribes and tribal communities. Each Administration must consult tribes regarding plans, budgets, policies, operational procedures to ensure programs and services are culturally relevant.
- **LEGISLATION.** In 1997, DCS assisted in drafting tribal-specific state legislation: Cooperative Child Support Services with Indian Tribes (RCW 26.25). The legislation recognizes the sovereign relationship between the state and tribes, supports tribes operating IV-D programs, and encourages state/tribal cooperative agreements. It recognizes that the preferred method for handling cases where parties are tribal members living on the reservation, is to refer appropriate cases to tribal court.

KEY STATE/TRIBAL RELATIONS PROGRAM DEVELOPMENTS

- DCS visited and met with nearly every Tribal Council (tribe's legislative body) to discuss basic child support issues and options.
- DCS sponsored 3 statewide state/tribal/federal child support conferences (1991, 1992, and 1995) for state employees and Washington tribes.
- DCS developed and presented one-day child support workshops for tribes (judges, attorneys, council members, and department and court staff).
- In 1992 DCS established a State/Tribal/Federal Child Support Work Group comprised of representatives from tribal, state and federal governments. They met quarterly to develop and strengthen relationships, build trust, share information, seek input, discuss issues and brainstorm possible solutions.
- Early on, DCS recognized the need to develop tribal-specific child support policy, procedures and forms. Policies included: giving full faith and credit to tribal orders; refraining from sending wage garnishments to tribes and their enterprises; providing child support services for tribal TANF programs; and coordinating services with tribal IV-D programs. DCS has over 100 pages of tribal-specific policy.
- Based on Tribal recommendations, DCS centralized tribal cases in six (6) DCS field offices and appointed tribal liaisons in each office to: manage the cases, provide outreach services to tribes, serve as a local contact for tribes, develop relationships with tribes, and serve as a local contact for DCS Headquarters.
- With the AG's approval, DCS assigned tribal attorneys in six regional DCS offices to bring appropriate establishment and enforcement cases into tribal court.
- In 1997 DCS received a federal demonstration grant in partnership with the NW Tribal Court Judges' Association, to develop a tribal bench book on child support. After completing the bench book, DCS

and several tribal judges provided two days of bench book training for tribal judges from AK, WA, OR, ID and MT.

- In the mid-90's, DCS became involved in raising tribal issues with OCSE at the federal level and provided technical assistance to tribes as they voiced their concerns and needs to OCSE.
- Following the enactment of PRWORA, which provided tribes with the opportunity to operate their own tribal TANF and IV-D programs, ESA expanded their state/tribal efforts by creating the State/Tribal Relations Unit (now the State Tribal Relations Office, STRO).
- In 1999 DCS developed the first Tribal Relations Internet Site (www.dshs.wa.gov/dcs/tribal) in the nation, which offers a wealth of information and valuable resources.
- Over the years, DCS has coordinated, presented and facilitated countless state/tribal workshops and training sessions for tribal, state and federal representatives and staff.
- After a successful pilot with the Port Gamble S'Klallam Tribe, since 2006, limited read-only Web based access to the DCS Support Enforcement Management System (SEMS) has been available to tribal IV-D and IV-A programs.
- In 2007, ESA reorganized, moving 1.5 Tribal child support positions from STRO back to DCS HQ, and adding an additional 1.5 positions to create a new Tribal Relations Team (TRT).
- In 2007 DCS completed a pilot with the Colville IV-D Program, for the Tribe to use the SEMS computer system to manage child support cases. In 2008, DCS and the Colville Tribe negotiated a 3-year Agreement for the Colville IV-D Program to use SEMS as their case management system.
- In 2007, DCS negotiated child support agreements with the Shoalwater Bay and Quileute Tribes.
- In 2007 DCS completed Policy and negotiated Agreements with the Port Gamble S'Klallam and the Quinault Nation allowing DCS to perform Federal Offset on tribal IV-D or tribal TANF cases. In 2008, DCS negotiated a Federal Offset Agreement with the Quinault Indian Nation and the Lummi Nation.
- In 2008 DCS merged the Tribal SEMS Web Data Share Agreement with the ACES (IV-A computer system) Data Share Agreement, and added language allowing DCS to pass through Employment Security Wage and Unemployment information. TRT negotiated this agreement with the Port Gamble S'Klallam, Nooksack, and Tulalip Tribes.
- In 2008 DCS initiated two Strategic Planning tribal Initiatives: Tribal enhancements to the Child Support Internet Payment Service (CSIPS) site, and Formal Child Support Presentations to Tribes.
- In 2009 TRT worked with DCS staff, Tribes, and partners to finalize a Strategic Plan that includes our Vision, Mission, Values, Goals, Strategies, and 4 additional tribal Initiatives: Improve tribal affiliation coding on referrals, Develop a process to ensure regular contact with Tribes and stakeholders, Redesign the DCS Tribal Relations Website, and Develop a Tribal Relations brochure.

WHY INVEST TIME AND RESOURCES IN DEVELOPING STATE/TRIBAL RELATIONS? WHAT ARE THE BENEFITS?

- It produces measurable results, benefiting children and families. More children are now receiving child support than ever before.
- Tribal/state government-to-government relationships exist whether they are attended to or not.
- A government-to-government approach often results in additional collection remedies which only the tribe has access to: employee wages, per capita payments, trust assets, tribal license revocation, and personal and real property
- Appointing tribal liaisons and centralizing tribal cases makes sense from a business point of view. Rather than hiring new staff, centralize tribal cases in each office and seek existing staff to manage them. Tribal liaisons become the local experts for state/tribal issues and a single point of contact for Tribes and HQ staff.

- When the state and tribes seek a common goal, they are much more efficient in achieving that goal. This doesn't mean: "Do it the State's way" or "Do it the Tribe's way." It means having a shared vision and supporting different ways of achieving that end result.

LESSONS LEARNED

- Government-to-Government Relations is a continuing process. Nothing is static and relationships must evolve. There is always a lot of room for improvement.
- There are no quick fixes and it is easier said than done. It takes patience, perseverance, hard work, and is a big investment (time/resources) for both parties.
- Having consistency of key people in the process, from beginning to end, enhances successful relations.
- Parties have to feel there's a good reason to invest their time and energy to pursue this path and that there's something in it for them.
- Nurturing a government-to-government relationship takes time, but the results are worth it. Don't give up.

Division of Child Support (DCS) Tribal Relations Team (TRT)

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Mission

We lead DCS's tribal relations efforts in partnership with DCS leaders, staff, and Tribes to improve the lives of children and families.

Vision

DCS and Tribes – Bridging cultures to provide exceptional child support services.

Goals

Advocate for policies, procedures, and laws that respect tribal sovereignty.
Strengthen relationships, trust, and mutual respect with all Tribes and stakeholders.
Advance intergovernmental agreements, contracts, and processes.
Provide valuable and timely education, training, and resources to DCS staff, Tribes, and partners.
Create innovative approaches to provide accessible and culturally relevant services.

For additional information, visit our website at www.dshs.wa.gov/dcs/tribal or contact us at:

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