

Chapter 13: Tribal Enforcement

Section 13.010: Honoring Tribal Orders and Establishing Orders on Tribal Cases

This section provides information about orders on cases with tribal connections.

Contents

Laws	28 USC 1738B Full faith & credit for child support orders Chapter 26.25 RCW Cooperative child support services - Tribes Chapter 37.12 RCW Jurisdiction over Indians and Indian lands WAC 388-14A-1050 Cooperation with Tribes
Policy	Give full faith and credit to tribal orders. The process to establish paternity or child support may vary: <ul style="list-style-type: none">• If the case is included under the terms of a state and tribal cooperative agreement or informal process, or• If the tribe operates a IV-D child support or Temporary Assistance for Needy Families (TANF) program.
Procedure	Follow any agreement that the tribe has with the Division of Child Support (DCS). Give full faith and credit to tribal orders and document tribal order information on the Support Enforcement Management System (SEMS). Consult the Tribal Liaison if: <ul style="list-style-type: none">• You need to serve on or near a reservation.• You have questions about cases with tribal connections.
Visual Aids	Tribal Relations Internet site Tribal Courts of Indian Tribes in Washington State SEMS Web TI - Tribal Information
Automated Actions	
SEMS Screens	BC, OR, IA, ES, CC, BI
Forms Used	09-272, 09-275, 09-710, 09-711, 09-795, or any Tribal

	Order
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	6.000 Determining if There is a Support Order 7.000 Determining Who Has a Hearing Right 19.000 Doing a Debt Calculation Federal Indian Policy Washington State Centennial Accord of 1989 DSHS Administrative Policy 7.01 DCS Administrative Policy 3.04 Claims Officers Handling Cases in Tribal Court

Procedures

A. What do I need to know about establishing and honoring orders on cases with tribal connections?

1. Individual tribes may have:
 - a. Formal or informal agreements with the Division of Child Support (DCS) regarding the establishment of paternity or child support.

Note: Some agreements include referral to the tribe or tribal court for establishment or enforcement.
 - b. Their own IV-D child support program.
 - c. Their own Temporary Assistance for Needy Families (TANF) program.

Note: Contact your Tribal Liaison regarding cases that may be included in an agreement or within the service area of a tribal IV-D or tribal TANF program.

2. Give full faith and credit to tribal orders, as you would any superior court order.

Exception: Do **not** give full faith and credit to court orders entered by Rudy James as Chief Judge. These are not valid orders. This includes orders entered by:

- a. The Combined Tribal Court of Thlingit Law,
- b. The Kuiu Nation Traditional Tribal Court, and perhaps others.

Note: Contact the Tribal Relations Team (TRT) regarding these orders.

3. If you have a tribal order that may have child support implications, post the order's Tribal Affiliation and Resulting Order type to the order record (**OR**) screen.
 - This includes orders for custody, dependency, or divorce.
4. If you have a tribal order that does **not** address child support, contact the Tribal Liaison.
 - Do **not** automatically serve an administrative notice to establish support as the tribal court or local agreement may guide this issue.
5. See Section 13.035 for the procedure to correct inaccurate administrative default orders on tribal cases.

B. What funds can I not consider as income or resources on tribal cases?

- Do not consider Colville Reservation Grand Coulee Dam Settlement Act funds (Public Law 103 436) as income or resources for any IV-D program purpose.

Note: This includes establishment, collection, or modification.

C. What do I do if there are overlapping state and tribal orders?

- If there are overlapping state and tribal orders on a case, refer the case to your regional Tribal Claims Officer for review.

D. What if I need to serve on a reservation?

1. Consult the regional Tribal Liaison if you need personal service and you think an address may be on a reservation.
2. Contact TRT if you are unable to proceed with service.