

## Chapter 13: Tribal Enforcement

### Section 13.015: Establishing and Setting Up a Tribal TANF Case

This section describes what steps to take when you receive a tribal TANF referral and how to set up the case.

#### Contents

Laws	<p>42 USC 612 Tribal TANF 42 USC 654 (7) Cooperative child support agreements Chapter 26.25 RCW Cooperative child support services - tribes WAC 388-14A-5000 through 5100 allows DCS to distribute support money to a tribe with a TANF program or cooperative agreement</p>
Policy	<p>Refer to state and tribal cooperative child support agreements or protocols on tribal Temporary Assistance for Needy Families (TANF) cases:</p> <p>The Division of Child Support (DCS) office that is in the same DSHS region as the tribe sets up the tribal TANF case.</p> <p>DCS must receive an assignment of child support before setting up a tribal TANF case.</p> <p>DCS assigns the tribal TANF and associated cases to the Tribal Liaison unless otherwise negotiated in a protocol or cooperative agreement.</p> <p>If a tribe has both a TANF and IV-D program such as the Port Gamble S'Klallam Tribe, refer appropriate child support actions to their tribal IV-D program for establishment of paternity and child support and enforcement.</p> <p>DCS needs bank account information from the tribe in order to distribute child support payments using Electronic Funds Transfer (EFT).</p> <ul style="list-style-type: none"><li>• The tribe can use the <b>Authorization for Receipt of Electronic Funds Transfer - Tribal Child Support Programs</b>, DSHS 18-606, to provide bank information to DCS for EFT payments.</li></ul> <p>Refer all communications with a tribe or tribal official to your Tribal Liaison.</p>

<p>Procedure</p>	<p>Set up a case on the Support Enforcement Management System (SEMS):</p> <ul style="list-style-type: none"> <li>• Use case type <b>1</b> (TANF) and Interstate type <b>2</b> (Responding Jurisdiction) for each NCP listed on the tribal TANF referral.</li> <li>• Use Registry Source <b>13</b> (Tribal TANF) unless the tribe has a IV-D program.</li> <li>• If the tribe has a IV-D program, use Registry Source <b>12</b> (Tribal IV-D).</li> <li>• Use Non-US FIPS code TR (followed by the three digit DSHS tribal code) to identify the initiating tribe.</li> <li>• Do not assign the custodial parent (CP) a new basic individual (<b>BI</b>) number when you set up a Tribal TANF case.</li> </ul> <p>Document tribal information on all existing DCS cases associated with the tribal TANF case.</p> <p>Set a special instruction (SI) only to prevent payments from being misapplied.</p> <p>Request a total vs. total (TVT) when appropriate.</p> <p>On each tribal TANF case, send the following information to the tribal TANF program:</p> <ul style="list-style-type: none"> <li>• A copy of relevant child support orders,</li> <li>• A copy of the basic case (<b>BC</b>) screen, and</li> <li>• A DebtCalc 2000 calculation.</li> <li>• Or, other information as agreed to by DCS and the tribe.</li> </ul> <p>Consult the Tribal Liaison if you have questions or need additional information.</p> <p>Consult with the Tribal Liaison before you transfer the case to another field office if appropriate</p>
<p>Visual Aids</p>	<p>How to Code a Tribal Case  Tribal Caseload by RSEO Number  Tribal Relations Internet site  Tribal Courts of Indian Tribes in Washington State  Tribal TANF Resources</p>
<p>Automated Actions</p>	

SEMS Screens	BC, BI, IA, CC, WB, CF, SI, OR, MI
Forms Used	18-370, 18-606, Child Support Referral - Tribe, TANF Assignment - Tribal
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	2.045 Setting Up a New Case 15.015 Initiating an Interstate Case for Establishment OCSE AT-05-07 Tribal Child Support Enforcement Program Final Rule

### Procedures

#### A. What is the background of tribal TANF programs?

- Federal welfare reform legislation authorizes Indian tribes to operate their own Temporary Assistance for Needy Families (TANF) programs and child support programs.
  - a. These new opportunities significantly impact the Division of Child Support (DCS) state/tribal cases, policy, procedure, and services.
  - b. See the DCS Tribal Relations Website for a list of Indian tribes in Washington State with TANF programs.

#### B. What is a tribal TANF case?

1. A tribal TANF case is a DCS case opened as a result of an Indian tribe authorizing TANF and sending a referral to DCS to open a case.
  - a. The referral is usually accompanied by a tribal assignment of support rights.
  - b. DCS must receive the assignment to set up a tribal TANF case **and** send child support payments to the tribe.

**Note:** See samples of a:

- Tribal TANF Assignment and
  - Tribal Child Support Referral
2. DCS works with each Indian tribe that has a TANF program to negotiate an intergovernmental child support agreement, protocol, or Memorandum of Understanding.

#### C. Who receives a tribal TANF referral?

- The Tribal Liaison in the region of the tribe reviews the tribal TANF referrals.

- a. Tribes send referrals to DCS by fax or mail.
- b. Most tribes require an assignment of support rights to the Indian tribe.
- c. The assignment may be a form signed by the custodial parent (CP) **or** a tribal statutory assignment.

#### **D. How do I set up a tribal TANF case?**

1. When DCS receives a tribal TANF referral, process it much like a referral from another jurisdiction, with a few exceptions.
2. Usually, the DCS office nearest the tribe will:
  - a. Receive the tribal TANF referral,
  - b. Set up the case, **and**
  - c. Work the case.
3. DCS may forward a tribal TANF case to the field office where the noncustodial parent (NCP) lives.
  - a. The Tribal Liaison usually manages the case.
  - b. You may contact the Tribal Liaison with questions.
4. Send Colville Tribal TANF cases to the Spokane field office. See Section 13.030.
5. Assign South Puget Intertribal Planning Agency (SPIPA) Tribal TANF cases as follows:
  - a. To the Olympia field office if the CP lives in Mason County or Thurston County.
  - b. To the Fife field office if the CP lives in Pierce or Kitsap County.
6. If you find the CP or the child on any open DCS cases, immediately set special instructions (SI) for each NCP associated with the existing cases to prevent misapplied support.
7. Set up a new responding jurisdiction (Interstate Type **2**) TANF case (Case Type **1**, TANF) for each NCP listed on the tribal referral.
  - You should get a tribal referral for each NCP.

**Note:** Do **not** assign the CP a new **BI** number.

8. Use Registry Source Code **13** (Tribal TANF) unless the tribe has a tribal IV-D program.
  - Use Registry Source Code **12** (Tribal IV-D) if the referral is received from a tribal IV-D program.

9. To identify the initiating tribe, use Non-US FIPS code **TR** - followed by the three digit federal tribal code.

10. Make sure the Ethnicity codes on the **BI** screens are correct.

11. On the tribal case post three (3) addresses to the CP's IA:

a. For payment processing, enter the tribe's address as:

Address type **14** (Interstate Payment), verification code **01** (verified).

Tribe's TANF Program  
Attn: (Tribal contact name)  
RE: (CP's name)  
Tribe's address

b. For correspondence, enter the tribe's address as:

Address type **11** (Interstate Contact), verification code **32** (unverified).

Tribe's TANF Program  
Attn: (Tribal contact name)  
RE: (CP's name)  
Tribe's address

c. Enter the CP's address as:

Address type 2 (mailing), verification code **32** (unverified).

CP's name  
CP's address

12. Update the tribal and existing cases with the most current information.

- Contact the Tribal Liaison if you need more information to set up the tribal case.

13. Post a case comment (**CC**) **76** entry and a whiteboard (**WB**) comment on both the tribal TANF case **and** on any open DCS associated case to show that the family is receiving a tribal TANF grant.

- On the tribal case, enter: "This is a (list tribe) tribal TANF case effective (list date)."

14. On the existing DCS case, enter: "Effective (date) the CP (name) and children (names) are receiving tribal TANF from the (tribe's name) Tribe. The new IV-D case is (write in the new D#)."

15. Assign the case to the designated Responsible Support Enforcement Officer (RSEO) number for the tribe. See Tribal Caseload by RSEO Number).

- If DCS has not designated a RSEO, assign the case to the Tribal Liaison. Contact your Tribal Liaison with questions.

**E. Does the sixty-day rule apply if I am establishing support on a tribal TANF case?**

- No. The rule only applies to Washington State TANF and foster care cases. See Section 6.085 C. 5.

**F. What if the NCP lives in another state?**

1. If the NCP lives in another state, you may need to send a referral to that state for establishment or enforcement.
2. When you refer a case to another state, set up a new case with Washington as the initiating jurisdiction.

**Note:** Do **not** put dollar amounts on the case financial (CF) screen.

3. When you send a transmittal to the responding state, add both current support and debt amounts from the Washington IJ case.
4. If you make a referral through CSENet, post the dollar amounts in the comment section.

**Sample posting:** Washington is enforcing on behalf of a tribal TANF program. Call (253) 555-1212 with any questions. MOA: \$280, Debt: \$3800, Debt Period: 3/99 thru 9/05.

**G. What other action do I take on the CP's or child's existing open DCS cases?**

1. Stop providing nonassistance services to the child by closing the non-TANF case.
  - a. Use the appropriate closure code. See Chart: Case Closure Criteria and Codes.
  - b. If the NCP owes arrears to Washington State, continue to collect the arrears until paid in full.
  - c. Send the **Full Collection Services Closure Letter**, DSHS 18-370 to the CP.
    - i. Select Box O. "*Other*," **and**
    - ii. Add, "You have assigned your current support to a Tribal TANF Program."

**Note:** Do **not** send a copy of the **Full Collection Services Closure Letter**, DSHS 18-370 to the NCP as DCS continues to provide full services on the tribal TANF case.

2. After you open the tribal TANF case:
  - a. Transfer current support, temporarily assigned arrears, and any arrears owed to the CP from the IV-D case financial (**CF**) over to the corresponding tribal TANF case **CF**.
  - b. Transfer information from the order record (**OR**) and medical insurance (**MI**) screens to the tribal TANF case.
  - c. Delete the **SI** when the EFT and **CF** are set up.
3. If appropriate, request a total v. total calculation on the CP's prior state TANF case. Depending on the results, adjust the **CF** screens of both the tribal TANF and the DCS cases.

**H. What information do I send to the tribal TANF program in order for them to properly account for child support payments?**

- On each tribal case send the following information to the tribal TANF Program, unless otherwise agreed to with the tribe:
  - a. A copy of **all** relevant child support orders.
  - b. A copy of the basic case (**BC**) screen.
  - c. A month-by-month child support debt calculation of any arrears owing to the tribal TANF program, using DebtCalc 2000.
  - d. Other information as agreed by DCS and the tribe.