

Chapter 13: Tribal Enforcement

Section 13.040: Understanding Tribal Limitations

This section briefly discusses limitations to collections when there are tribal issues connected with a case.

Contents

Laws	Chapter 26.25 RCW Cooperative child support services - tribes Chapter 37.12 RCW Jurisdiction over Indians and Indian Lands
Policy	Treat all federally recognized tribes as independent sovereign governments. Do not take any collection action against an Indian tribe, a tribally owned enterprise, or an Indian-owned business located on a reservation or trust land, unless the tribe agrees to an enforcement process. Consult with your Tribal Liaison before attempting to take collection actions against tribal income or assets. Transfer tribal cases to your Tribal Liaison. The Division of Child Support (DCS) seeks to work with Indian tribes to develop informal processes and cooperative agreements to address child support.
Procedure	Procedures vary depending on local and state agreements, refer to your regional Tribal Liaison for guidance.
Visual Aids	Tribal Relations Internet site SEMS Web TI - Tribal Information Tribal Employers and Enterprises
Automated Actions	If any party's basic individual (BI) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) changes Enf Svcs on BC to 8 . No Auto Eval occurs.
SEMS Screens	CC, IA, BC, BI, OR
Forms Used	
Hearing and Conference Board Rights	
See Also	9.005 Identifying Funds Exempt from Attachment 13.045 Enforcing Support on a Tribal Case 13.050 Attaching Alaska Native Claims Settlement Act

	(ANCSA) Dividends Federal Indian Policy DSHS Administrative Policy 7.01 Washington State Centennial Accord of 1989
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Procedures

A. Why and how does DCS handle limitations on tribal collections?

1. Each tribe is an independent sovereign government with its own political structure and laws.
2. Each Division of Child Support (DCS) region has a Tribal Liaison and a Tribal Claims Officer who are familiar with local tribes and agreements.
 - Consult with the Tribal Liaison or Claims Officer when there are any tribal connections on a case.
3. DCS's goal is to make use of tribal courts and remedies whenever appropriate.
 - Refer cases to the Tribal Liaison or Tribal Claims Officer when the tribal order:
 - i. Does not address child support,
 - ii. Needs modification, or other actions.
4. DCS staff use case comment (**CC**) code 76 to document all tribal references to the case.

B. What are some collection limitations on tribal cases?

1. Do **not** consider any money received by a noncustodial parent (NCP) from the Colville Confederated Tribe Settlement Claim No. 181-D when establishing a child support obligation.

Note: You may **not** attach this money for child support debts.

2. Do **not** attach the following exempt funds:
 - a. American Indian Trust, Settlement, and Judgment Funds, and
 - b. Land held in Trust that is excluded under Federal Law.
 - c. See Section 9.005 Chart - Funds or Assets Exempt from Attachment.
3. Attach shareholder dividends from Alaska Native Corporations by court order **only**, and **only** apply such dividends to nonassistance current child support or arrears. See Section 13.050.

