

## Chapter 13: Tribal Enforcement

### Section 13.045: Enforcing Support on a Tribal Case

This section explains what actions to take when you want to enforce a support order.

#### Contents

Laws	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	<p>The Division of Child Support (DCS) uses the processes developed between DCS and Indian tribes in informal processes and cooperative agreements to address child support.</p> <p>The DCS Tribal Liaison decides what enforcement actions to take on a tribal case based on DCS policy, tribal codes, and cooperative agreements.</p> <p>Regional DCS Tribal Relations staff and Economic Services Administration State Tribal Relations Unit (ESA STRU) work in partnership to enforce support on tribal cases.</p>
Procedure	Consult the regional Tribal Liaison for available remedies before taking any enforcement action on cases with tribal connections.
Visual Aids	Tribal Relations Internet site Tribal Courts of Indian Tribes in Washington State SEMS Web TI - Tribal Information Tribal Employers
Automated Actions	If the noncustodial parent's, custodial parent's, or child's basic individual ( <b>BI</b> ) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) will change Enf Svcs on basic case ( <b>BC</b> ) to <b>8</b> . No Auto Eval will occur.
SEMS Screens	BC, OR, IA, ES, CC, BI
Forms Used	09-836, 09-857
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	9.005 Identifying Funds Exempt from Attachment 10.010 Withholding From an Employer 13.050 Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends Federal Tribal Policy

## Procedures

### A. What do I need to know about collection actions on tribal cases?

1. You **cannot** send a collection action to an Indian tribe, a tribally-owned enterprise, or an Indian-owned business located on a reservation or trust land.
2. If there appear to be collectible assets on a case with tribal connections, contact to the regional Tribal Liaison or Tribal Claims Officer.
3. The Tribal Liaison determines the appropriate enforcement remedy. Depending upon the tribe and the situation, the Tribal Liaison may:
  - a. Contact the noncustodial parent (NCP) to negotiate:
    - i. A tribal voluntary **Assignment of Earnings or Income From an Indian Tribe, Tribal Enterprise, or Indian-Owned Business**, DSHS 09-836,
    - ii. Voluntary payments, **or**
    - iii. An electronic funds transfer (EFT).
  - b. Refer the case to the tribal court to attach on-reservation income and assets.

**For example:** Employee wages, per capita, trust income, or dividends.
  - c. Use an **Order/Notice to Withhold Income for Child Support**, DSHS 09-857, when the tribe has agreed to honor it.

### B. Does the Division of Child Support (DCS) have authority to attach an NCP's off-reservation assets?

1. Yes. DCS has the authority to attach off-reservation assets and income, including:
  - a. Unemployment compensation (UC) benefits,
  - b. Department of Labor and Industries (L&I) benefits,
  - c. Lottery prizes, and
  - d. Bank accounts.

**Exception:** When a cooperative agreement says otherwise.

2. DCS can only attach shareholder dividends from Alaska Native Corporations by court order. See Section 13.050.
3. If you are considering the case for license suspension actions, see Section 13.055.

**Note:** See Section 13.040 for funds exempt from DCS attachment.

**C. How can I tell if a business is associated with a tribe?**

1. The employer's name, location, or type of business may alert you that it is associated with a tribe.
2. Search *SEMS Web TI - Tribal Information*.
  - If you still cannot determine the tribal status of an employer, consult the regional Tribal Liaison.

**D. What if I find out a business is associated with a tribe?**

1. If the name does not appear after searching *SEMS Web TI - Tribal Information*, give your Tribal Liaison **all** of the following to update the database:
  - a. Business name,
  - b. Business address,
  - c. Federal Employer Identification Number (FEIN), and
  - d. Uniform Business Identifier (UBI) number.
2. If the NCP is still employed, transfer the case to the Tribal Liaison.

**E. Can I take noncompliance action against a tribe?**

- No. You **cannot** take noncompliance action against an Indian tribe, tribally-owned enterprise, or Indian-owned business located on a reservation or trust land.

**F. Can I take Non-Wage Enforcement Program (NWEPP) action, refer a case for contempt, or post the NCP to the DCS Most Wanted website?**

1. You may **only** consider these collection remedies if **all** other normal collection remedies have failed, including possible referral to the tribe.
  2. Refer the case to the regional Tribal Liaison.
    - The liaison will consult with Economic Services Administration State Tribal Relations Unit (ESA STRU) to determine how to proceed.
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