

## Chapter 13: Tribal Enforcement

### Section 13.055: Handling License Suspension on Tribal Cases

This section gives guidance on handling tribal cases with license suspension considerations.

#### Contents

Laws	RCW 26.25.010, 020, and 030 Cooperative Child Support Services - Tribes RCW 37.12.010, 021, 040, and 050 Jurisdiction over Indians and Indian Lands
Policy	<p>SEMS (Support Enforcement Management System) excludes cases coded with Enforcement Services 8 from automated warning letters.</p> <p>Consult with a Tribal Liaison before attempting a license suspension action on a Tribal Case.</p> <p>Staff may proceed with a license suspension action on an American Indian noncustodial parent (NCP) who is not a member of a federally recognized Washington tribe, or is a member but does not live on or near a reservation, unless a cooperative agreement says otherwise.</p> <p>Before sending the <b>License Suspension Certification</b>, DSHS 09-852, the Tribal Liaison contacts the tribe for possible referral to the tribe for enforcement action.</p> <ul style="list-style-type: none"><li>The Tribal Relations Team is available to assist Tribal Liaisons in contacting the tribe.</li></ul>
Procedure	Contact your Tribal Liaison before proceeding with license suspension on cases with tribal connections.
Visual Aids	Tribal Relations Internet site SEMS Web TI - Tribal Information
Automated Actions	
SEMS Screens	LI, CC
Forms Used	09-851, 09-520, 09-277b, 09-850, 09-852
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	7.110 Hearing Rights on License Suspension 10.105 License Suspension Warning Letter, DSHS 09-850

#### Procedures

## A. When can I consider a tribal case for license suspension?

- Consider a tribal case for license suspension when **all** of the following apply:
  - a. The noncustodial parent (NCP) meets the conditions described in Section 10.105.
  - b. The NCP's actual income is the basis of the child support order.

**Note:** You may consider the case for license suspension, even if the NCP's actual income is not the basis of the child support order, if:

- i. You are unable to revisit the order because the NCP has not provided the needed income information after you have called and written, **and** have requested assistance from the tribe or the Tribal Relations Team (TRT).
  - ii. You have reason to believe the NCP has income to pay the support.
- c. Normal collection remedies have been exhausted. For this purpose, *normal collection remedies*, include:
    - i. Recent telephone calls and letters to the NCP requesting voluntary payments or a wage assignment.
    - ii. Contacting the tribe to see if the tribe or tribal court can assist the Division of Child Support (DCS) in obtaining support payments.
  - d. Utilize this remedy consistent with any cooperative agreements that may be in effect.

## B. How do I initiate license suspension on a tribal case?

1. Post on the case comment (CC) screen, code **76**, how the NCP meets the criteria.
2. Send the **License Suspension Warning Letter**, DSHS 09-850.
  - a. If the NCP does not respond, send the **Notice of Noncompliance and Intent to Suspend Licenses**, DSHS 09-851.
  - b. If no response to the DSHS 09-851, the Tribal Liaison or TRT should contact the tribe before proceeding with the **License Suspension Certification**, DSHS 09-852.

**Note:** The Tribal Liaison or TRT may contact a tribal official (such as a tribal attorney) to see if the tribe or tribal court can assist with enforcement to prevent this action or other more aggressive forms of collections.

**C. Can I proceed with license suspension if the case does not meet the definition of a "tribal case" but has tribal connections?**

1. You may proceed if normal collection actions have failed **and** there is no cooperative agreement in place the action is not prohibited in a cooperative agreement. **For example:**
  - a. NCP is an American Indian but **not** a member of a federally recognized Washington tribe, **or**
  - b. NCP is a member but **not** living on or near a reservation or working for a tribal enterprise.
2. Consult your Tribal Liaison regarding any agreements that may be in effect.

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