

## Chapter 13: Tribal Enforcement

### Section 13.063: Actions upon Receipt of a Port Gamble S'Klallam Tribe Election of Support Enforcement Services Tribal Medical Assistance Form

This section explains or describes what actions to take upon receipt of a Port Gamble S'Klallam Tribe Election of Support Enforcement Services Tribal Medical Assistance Form.

#### Contents

Laws	RCW 26.18.170 Medical enforcement RCW 26.25.010, 020, and 030 Cooperative child support services - Indian Tribes Chapter 37.12 RCW Jurisdiction over Indians and Indian lands
Policy	The Port Gamble S'Klallam Tribe's Election of Support Enforcement Services Tribal Medical Assistance Form provides a way for each custodial parent (CP) who receives Port Gamble S'Klallam Child Support Program services and Medicaid to designate that the Port Gamble S'Klallam Child Support Program will provide all services for his or her child support case.  The Division of Child Support (DCS) does <b>not</b> provide medical enforcement services for a CP who chooses Port Gamble S'Klallam Child Support Program services only.
Procedure	Review the Election of Support Enforcement Services Tribal Medical Assistance Form to confirm that at least one of the three boxes on the form is checked <b>and</b> the form is signed by both the CP and the Port Gamble S'Klallam Child Support Program Case Manager.  If DCS already has an open case, close the case as <b>not appropriate</b> under the case closure code <b>49</b> . If DCS does not have an open case, <b>do not</b> open a case.
Visual Aids	Tribal Relations Internet site
Automated Actions	
SEMS Screens	CC, MI, BC, BI
Forms Used	18-370, Election of Support Enforcement Services Tribal Medical Assistance Form
Hearing and Conference Board Rights	
See Also	13.060 Enforcing Medical Support on a Tribal Case 24.005 Enforcing a Medical Support Obligation

#### Procedures

### A. What is the purpose of the Election of Support Enforcement Services Tribal Medical Assistance Form?

1. The Port Gamble S'Klallam Tribe developed the Election of Support Enforcement Services Tribal Medical Assistance Form to provide a way for each custodial parent (CP) who receives Port Gamble S'Klallam Child Support Program services and Medicaid to designate that the Port Gamble S'Klallam Child Support Program will provide all services for his or her child support case.

2. The Division of Child Support (DCS) does **not** provide medical enforcement services for a CP who chooses Port Gamble S'Klallam Child Support Program services only.

## **B. When would this form be used?**

1. The Port Gamble S'Klallam Child Support Program identifies each CP who receives Port Gamble S'Klallam Child Support Program services **and** Medicaid.
2. If the Port Gamble S'Klallam Child Support Program identifies a CP as receiving both services, a representative of Port Gamble S'Klallam Child Support Program meets with the CP to discuss:
  - a. The election of Port Gamble S'Klallam Child Support Program services only, **or**
  - b. A referral to DCS for medical enforcement services.

## **C. When might a referral to DCS for medical enforcement services not be appropriate?**

1. A CP and a Port Gamble S'Klallam Child Support Program Manager may determine that a referral for DCS to provide medical enforcement services is **not** appropriate if **any** of the following are true:
  - a. The CP receives Tribal Temporary Assistance for Needy Families (TANF) through the Port Gamble S'Klallam Tribe, **and** the Port Gamble S'Klallam Child Support Program is providing full child support enforcement services.
  - b. The CP receives full child support enforcement services from the Port Gamble S'Klallam Child Support Program.
  - c. The Port Gamble S'Klallam Child Support Program has approved good cause in the case.

**Note:** In these cases, it is the tribe rather than the state Community Service Office (CSO) that makes the good cause determination.

2. If any of the above are true, the CP and the Port Gamble S'Klallam Child Support Program Case Manager discuss which one of the following two options the CP would prefer:
  - a. DCS will provide medical enforcement services.
    - If the CP chooses this option, the Port Gamble S'Klallam Child Support Program will refer the case to DCS for medical support enforcement.
  - b. The tribal child support program will provide all aspects of child support enforcement for the CP.
    - If the CP chooses this option, the Port Gamble S'Klallam Child Support Program will **not** refer the case to DCS for medical support enforcement.

## **D. How does DCS learn of the CP's preference?**

1. When a CP and the Port Gamble S'Klallam Child Support Program Case Manager agree that a referral to DCS is **not** appropriate, the CP and the Case Manager complete the Election of Support Enforcement Services Tribal Medical Assistance Form **and** submit the completed form to DCS.

2. If good cause is approved on a case, the tribal Case Manager attaches a letter to the Election of Support Enforcement Services Tribal Medical Assistance Form supporting the good cause determination.

**E. What do I do when I receive an Election of Support Enforcement Services Tribal Medical Assistance Form from the Port Gamble S'Klallam Child Support Program?**

1. Review the form to confirm that at least one of the three boxes on the form is checked, **and** the form is signed by both the CP and the Port Gamble S'Klallam Child Support Program Case Manager.
  - If a box is not checked or the form has not been signed by **both** the CP and the Case Manager, the DCS tribal liaison will contact the Port Gamble S'Klallam Child Support Program to work together to resolve the issue.
2. If DCS already has an open case, close the case as **not appropriate** under case closure code **49**. See Section 18.035.
  - Make a case comment (CC) code **60** noting all of the following:
    - i. DCS received the **Election of Support Enforcement Services Tribal Medical Assistance Form** from the Port Gamble S'Klallam Child Support Program.
    - ii. The referral was not appropriate at this time.
    - iii. The reason identified on the form.
3. If DCS does **not** have an open case, **do not** open a case.

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