

Chapter 13: Tribal Enforcement

Section 13.070: Handling Public Disclosure and Confidentiality Issues on Tribal Cases

This section discusses disclosure of information and records with officials from federally recognized Indian tribes.

Contents

Laws	42 USC 612 Tribal Temporary Assistance for Needy Families (TANF) 42 USC 654(33) Cooperative child support agreements 42 USC 655 (f) Direct federal funding to Indian tribes RCW 26.23.120 Information and records, confidentiality, disclosure RCW 26.25.010, 020, and 030 Cooperative child support services - tribes WAC 388-14A-1050 Cooperation with Tribes WAC 388-14A-2105 through 2160 Confidentiality
Policy	The Division of Child Support (DCS) can disclose information and records to officials of federally recognized tribes if disclosure is necessary for: <ul style="list-style-type: none"> • The administration of the child support program, or • The performance of DCS functions and duties under state and federal laws. <p>You may disclose non-IRS (Internal Revenue Service) information and records with tribal IV-D staff under the same authority as you share information with other state IV-D staff.</p>
Procedure	Consult your regional Tribal Liaison, Tribal Claims Officer, Public Disclosure Coordinator (PDC), or the Tribal Relations Team (TRT) with questions regarding disclosure. <p>When you receive a request for information, follow local office procedure for releasing information or referring the request to the PDC.</p>
Visual Aids	Tribal Relations Internet site Tribal Courts of Indian Tribes in Washington State SEMS Web TI - Tribal Information
Automated Actions	
SEMS Screens	CC
Forms Used	17-063, 18-617
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	5.015 Secretary of State's Address Confidentiality Program (ACP) 5.020 Responding to Family or Domestic Violence Issues 8.040 Communication with Tribal IV-D and IV-A Programs Regarding Federal Offset Certification Information 22.005 What Kinds of Information can the Division of Child Support (DCS) Disclose and to Whom? OCSE PIQ-Tribal-04-01 Providing Tribal IV-D Services and Access to State Data OCSE-AT-05-07 Tribal Child Support Enforcement Program Final Rule

Procedures

A. Who handles public disclosure issues regarding tribal matters?

1. Your initial point of contact is your regional Tribal Liaison or Tribal Claims Officer.
2. The Tribal Liaison or Tribal Claims Officer may refer the matter to the Public Disclosure Coordinator (PDC).

B. Can I disclose information and records to tribal IV-D staff?

1. Yes. You can disclose non-IRS (Internal Revenue Service) information and records to tribal IV-D program staff under the same authority as you share information with other state IV-D program staff.
2. You may share information using similar communication methods as you do with other state child support enforcement staff.
3. You may also use the **DCS and Tribe Information Change Notice**, DSHS 18-617, or federal interstate forms.

C. Can I release case information to a federally recognized Indian tribe for child support enforcement purposes?

1. Yes, DCS may disclose non-IRS information to any federally recognized Indian tribe if disclosure is necessary to:
 - a. The administration of the child support program, or
 - b. The performance of DCS functions and duties under state and federal laws.
2. An **Authorization to Disclose Personal Information**, DSHS 17-063, is required if:
 - a. The tribal official does not work for a tribal IV-D or IV-A program, or
 - b. The tribal official is not a child support contact under a cooperative agreement.

D. What are examples of situations in which I may disclose case information to officials of a federally recognized Indian tribe necessary to the administration of the child support program?

1. A tribe asks DCS for non-specific case data because the tribe is:
 - a. Considering negotiating an informal process or cooperative agreement with DCS;
 - b. Determining the impact of operating a tribal IV-D program;
 - c. Deciding how to address child support issues on tribal TANF cases; or
 - d. Considering a process for DCS to file cases in tribal court for establishment or enforcement.
2. When you are considering a case for license suspension, contempt, Non-Wage Enforcement Program (NWEPP) or posting to the DCS Most Wanted web site, you must exhaust all normal collection remedies, including possible referral to a tribe or tribal court.
 - See Sections 13.045 and 13.050.

3. If DCS receives a call from a tribal official who was asked by a tribal member to help resolve a child support issue, you can release case information **only if** the inquiry is:
 - a. For a child support purpose, **and** is about their specific tribal Temporary Assistance for Needy Families (TANF) or tribal IV-D case. **Or**
 - b. Under the terms of a cooperative child support agreement.
4. If DCS receives a tribal court subpoena for disclosure of confidential information and the information requested is related to child support enforcement, contact your Tribal Claims Officer.
 - a. The Claims Officer may consult with the Assistant Attorney General (AAG) **or**
 - b. He or she may need to appear in tribal court.

E. Are there any exceptions to disclosing information to a federally recognized Indian tribe?

1. Yes. As on any case, exceptions may exist if the information was received through the IRS (Internal Revenue Service) or if the case involves:
 - a. Good cause,
 - b. A party is in the address confidentiality program (ACP), **or**
 - c. The domestic violence indicator on the basic individual (BI) screen is set to 1.
2. For disclosure under the circumstances in 1 above follow procedures in:
 - a. Section 5.010 for procedures on types of good cause.
 - b. Section 5.015 for procedures on the Secretary of State's address confidentiality program.
 - c. Section 5.020 for procedures on family or domestic violence issues.
3. For disclosure of information associated with the federal offset certification on behalf of tribal IV-D and IV-A programs follow the procedures in CN-255, Section 8.040.