

Chapter 13: Tribal Enforcement

Section 13.085: Initiating Referrals to Tribal IV-D Programs

This section provides information regarding initiating referrals to tribal IV-D programs.

Contents

Laws	42 USC 654 (33) Cooperative child support agreements 42 USC 655 (f) Direct federal funding to Indian tribes 45 CFR Part 309 Tribal child support enforcement programs - Final Rule 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	<p>The Division of Child Support (DCS) Tribal Liaison and the tribe work together to identify cases for referral to a tribal IV-D program.</p> <p>The Tribal Liaison uses existing Interstate forms to send referrals to tribal IV-D programs.</p> <p>DCS leaves existing liens and withholding notices in place, such as those to the Employment Security Department, Department of Labor and Industries, and Social Security Administration, unless otherwise agreed by DCS tribal staff and tribal IV-D staff.</p> <p>DCS tribal staff:</p> <ul style="list-style-type: none">• Coordinate with the tribe before releasing any withholding notices and wage assignments.• Leave Internal Revenue Service (IRS) certification in place unless the case meets one of the conditions listed in Section 8.030.
Procedure	<p>When you refer a case to a tribal IV-D program:</p> <ul style="list-style-type: none">• Post a case comment (CC) code 76 and a white board (WB) comment indicating the case is a tribal IV-D case, list the tribe, and that DCS is the initiating jurisdiction (IJ).• Code the basic case (BC) screen to Enforcement Services 8, Interstate 1, Non-US FIPS code to TR-

	<p>plus the 3 digit tribal code, and enter the Tribal Access code.</p> <p>Assign the case to a designated Support Enforcement Officer number for the tribe involved or to the Tribal Liaison if a designated number does not exist.</p>
Visual Aids	<p>How to Code a Tribal Case</p> <p>Tribal Caseload by RSEO Number</p> <p>Tribal IV-D Program Resources</p> <p>SEMS Web TI - Tribal Information (Tribal Employers)</p>
Automated Actions	
SEMS Screens	CC, CF, BC, WB
Forms Used	09-881, 18-570, 18-577, 18-578, DOH/CHS 021 (Paternity Affidavit)
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	<p>OCSE PIQT-04-01 Direct Income Withholding when Employers are Subject to a Tribal's Jurisdiction, Providing Tribal IV-D Services and Tribal Access to State Data</p> <p>OCSE PIQT-05-01 Transfer of Cases to Tribal IV-D Agencies and Case Closure Criteria</p> <p>OCSE PIQT-05-02 Applicability of 45 CFR Part 303 to Tribal IV-D programs, Jurisdiction, and Cooperation with State IV-D programs</p> <p>OCSE-AT-05-07 Policy Questions and Responses to Miscellaneous Issues regarding the Tribal Child Support Program Final Rule</p> <p>OCSE Tribal Resources</p> <p>Guiding Principles for Tribal and State Cooperation</p>

Procedures

A. What cases should the DCS Tribal Liaison refer to a tribal IV-D program in Washington?

1. The Division of Child Support (DCS) Tribal Liaison and the tribe work together to identify cases for referral to a tribal IV-D program in Washington. Consider the following criteria:
 - a. One or more parties reside within the boundaries of the reservation.
 - b. One or more parties are members of the tribe or the child is potentially eligible for enrollment.

- c. The noncustodial parent (NCP) is employed by the tribe, tribal enterprise or Indian-owned business located on the reservation.
 - d. The tribal court issued the child support order.
- 2. DCS and the tribe consider other cases agreed to by the regional Tribal Liaison and the tribal IV-D program. These decisions are based on the following factors:
 - a. Tribal IV-D program requirements;
 - b. Tribal membership;
 - c. Location of parties;
 - d. Location of assets or income;
 - e. Current status of the case;
 - f. Employment history;
 - g. Best interest of the children;
 - h. Agreement of the parties; and
 - i. Other factors consistent with DCS tribal policy.

B. What does it mean to "refer" a case to a tribal IV-D program?

- 1. Referring a case involves sending an interstate referral to a tribal IV-D program, without making any adjustments to the debt on the **CF** screen.
- 2. Both the state and tribal IV-D programs maintain an open IV-D case and work cooperatively to ensure that necessary IV-D services are provided.
- 3. The tribal IV-D program sends child support collected to DCS for distribution.

C. How does DCS code a tribal IV-D case on SEMS?

- 1. If the case involves a tribal IV-D program in Washington State, assign the case to:
 - a. A designated employee number for the tribe, or
 - b. The Tribal Liaison if a designated number does **not** exist.
- 2. Post a case comment (**CC**) code 76 entry and a white board (**WB**) comment:
 - a. Document that this is a tribal IV-D case,
 - b. List the tribe, and
 - c. DCS is the initiating jurisdiction (IJ).

3. On the **BC** screen:
 - a. Code Enforcement Services to **8**.
 - b. Set the Interstate code to **1** (Initiating Interstate).
 - c. Enter the Non-US FIPS Code as **TR** followed by the three digit tribal code.
 - d. Enter the Tribal Access code.

Note: The Tribal Access code identifies the tribe with limited inquiry only access to the case information in the Support Enforcement Management System (SEMS) Web.

4. If a tribal order exists, ensure the tribal code is coded in the Tribe field of the order record OR screen.

D. What actions should the DCS Tribal Liaison take before initiating a referral to a tribal IV-D program?

1. Send the custodial parent (CP), a **Child Support Case Information**, DSHS 09-881.
 - a. Allow the CP fourteen (14) days to respond.
 - b. See Section 22.010 for further instructions.
2. If the CP does **not** object to the release of his or her address, use existing interstate referral forms to send referrals to a tribal IV-D program.
3. Leave existing liens and withholding notices, such as to the Employment Security Department, Department of Labor and Industries and Social Security Administration in place. Unless:
 - a. Otherwise agreed by DCS tribal staff and tribal IV-D staff, or
 - b. You are closing the case.
4. On the case financial (**CF**) screen, leave the auto IRS field to **Y** unless the case meets one of the conditions in handbook section 8.030.
5. If DCS is currently receiving payments, coordinate with the tribe the release of any withholding notices and wage assignments.
6. Refer to the Tribal IV-D Program Resources on the DCS Tribal Relations Internet Web Site for tribal interstate requirements **or** for more information about specific tribal:
 - a. IV-D contacts,
 - b. Services,
 - c. Codes and policies,

- d. Agreements, and
- e. Referral checklists.

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