

Chapter 13: Tribal Enforcement

Section 13.090: Responding to Referrals from Tribal IV-D Programs

This section provides information regarding responding to referrals from 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) Central Services staff respond to Tribal IV-D program requests for Quick Locate.</p> <p>When DCS does not have an open IV-D case, Central Services staff respond to requests for attachment of assets and funds not accessible by tribal IV-D programs.</p> <p>DCS regional Tribal Liaisons manage tribal IV-D requests for other child support services.</p> <p>DCS distributes payments to tribal IV-D programs using electronic funds transfer (EFT).</p> <p>Tribal IV-D programs request state IV-D services using existing interstate forms.</p>
Procedure	<p>Set up a responding tribal IV-D case on the Support Enforcement Management System (SEMS) using case type 1 (TANF) or 2 (Nonassistance), based on the referral.</p> <p>Code enforcement services code 8 and use the correct tribal registry source code for the referral type:</p> <ul style="list-style-type: none">• 12 Tribal IV-D• 13 Tribal TANF (Temporary Assistance for Needy Families)• 14 Tribal FC (foster care) <p>In the Interstate type field enter 2 (Responding), and Non-US FIPS code as TR followed by the three digit</p>

	<p>tribal code.</p> <p>Enter the Tribal Access code.</p> <p>On the custodial parent's (CP's) individual address (IA) screen, use address type 14 and enter the tribe's address for payment processing.</p> <p>Assign case to the designated Support Enforcement Officer number or to the Tribal Liaison if a number does not exist.</p> <p>Contact your regional Tribal Liaison regarding DCS service requests from out-of-state tribal IV-D programs.</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</p>
Automated Actions	
SEMS Screens	CC, BC, BI, IA, WB
Forms Used	18-624, 18-606
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 services might tribal IV-D programs request from the Division of Child Support (DCS)?

- Tribal Child Support Enforcement Plans describe services they may request from other IV-D agencies. These services include, but are not limited to:
 - a. Courtesy draws for genetic testing when a paternity action was initiated in tribal court and the tribal court has obtained an order compelling genetic testing.
 - DCS may assist with obtaining genetic testing if the parties voluntarily submit to testing.
 - b. Paternity and child support establishment when the alleged father is not under the jurisdiction of the tribal court and does not voluntarily submit to their jurisdiction.
 - c. Quick Locate if tribal IV-D staff is unsuccessful in locating an NCP or their assets.
 - d. Driver's license suspension.
 - e. Withholding of assets and funds not accessible by the tribe such as unemployment compensation (UC) or Department of Labor and Industries (L&I) benefits.
 - f. Federal offset. See CN-255 for information on when a tribal IV-D program may refer a case to DCS for federal Internal Revenue Services (IRS) offset certification.

B. Who handles requests for DCS services from tribal IV-D programs?

1. **Quick Locate:** DCS Central Services staff respond to requests for Quick Locate services from tribal IV-D program staff.
 - Tribal IV-D staff may use the **Locate Referral Sheet - Tribal**, DSHS 18-624, to request this service.

Note: A IV-D case is not opened in order to perform this service.

2. **UC or L&I Attachment:** When DCS does **not** have an open IV-D case, DCS Central Services staff respond to requests for attachment of funds not accessible by the tribe such as UC or L&I benefits.
 - a. Staff provide these services in a manner similar to in rem services that DCS provides to state IV-D agencies.
 - b. Tribal IV-D staff may use existing interstate referral forms to request this service.
3. **Federal Offset:** See CN-255: Federal Offset Certification on Behalf of Tribal IV-D and IV-A Programs for procedures addressing federal offset for interested tribal IV-D programs.
4. **Other Services:** Tribal IV-D program staff send requests for all other services to the DCS regional Tribal Liaison.

- a. The Tribal Liaison takes necessary action or coordinates case actions with other field offices or prosecutor offices.
- b. Actions include, but are **not** limited to:
 - i. Requests for locate,
 - ii. Attachment of UC or L&I benefits (when DCS has an open case),
 - iii. Courtesy draws for genetic testing,
 - iv. Paternity and child support establishment, and
 - v. Driver's license suspension.

5. **Requests from out-of-state tribal IV-D programs:** Contact your Tribal Liaison to determine who manages the case and how to proceed.

C. How does DCS Central Services staff perform Quick Locate services for tribal IV-D programs?

1. Central Services staff work these requests in a manner similar to requests received from other jurisdictions.
 - They do **not** set up a IV-D case for this purpose.
2. Central Services staff manually check on-line resources and notify the tribe of a match, or that no information was found. This includes checking the following for addresses, income, assets, and employment:
 - a. IV-D and IV-A screens,
 - b. Department of Licensing (DOL),
 - c. Employment Security Department (ESD), and
 - d. Department of Corrections (DOC).

Note: DCS cannot perform more than one quick locate request every ninety (90) days on any given case.

D. How does DCS Central Services staff perform limited (UC and L&I withholding) enforcement services for tribal IV-D programs?

- When DCS does **not** have an open IV-D case, Central Services staff perform these services for tribal IV-D programs in a manner similar to requests received from other jurisdictions.

E. How does DCS set-up a responding tribal IV-D case?

1. Cross-reference the parties and set up a new case on the Support Enforcement System (SEMS).
2. On the basic case (**BC**) screen:
 - a. Use case type **1** for a Temporary Assistance for Needy Families (TANF) case **or** case type **2** for a nonassistance case.
 - b. Code Enforcement Services as **8**.
 - c. Enter code **12** (Tribal IV-D) in the Registry Source field.
 - d. In the Interstate type field enter **2** (Responding).
 - e. Enter the Non-US FIPS Code as "**TR**" followed by the three digit tribal code.
 - f. Enter the Tribal Access code.
3. Ensure the Ethnicity codes on the **BI** screens are correct.
4. On the tribal case post two addresses to the CP's **IA**:
 - a. Enter the tribe's address as follows for payment processing:

Use address type **14** (Interstate payment), verification code **01** (verified).

(Tribe's name) IV-D Program

Attn: (Tribal contact name)

RE: (CP's name)

Tribe's address
 - b. Enter the tribe's contact address. Use address type **11** (Interstate Contact), verification Code **1** (verified).
 - c. Enter the CP's address as follows for correspondence:

Use address Type **02** (mailing), Verification Code **32** (unverified), CP's name and actual address.
5. Update the tribal and existing cases with the most current information. Contact the Tribal Liaison if you need more information to set up the tribal case. Post a **CC 76** entry and a **WB** comment on the responding tribal IV-D case and on any open DCS case to show that this is a responding tribal IV-D case.
6. If a tribal order exists, ensure the tribal code is entered in the Tribe field of the **OR** screen.

7. Assign case to the designated employee number for the tribe or, to the Tribal Liaison if a number does **not** exist.

F. How do DCS Tribal Liaisons respond to requests for other IV-D services like paternity establishment or license suspension?

1. The regional Tribal Liaison initiates a referral to the local Prosecuting Attorney's Office to request paternity establishment and child support establishment (depending on the request).
 - Note on the referral that DCS is the responding jurisdiction (RJ) for a tribal IV-D program.
2. For requests for DCS enforcement services, other than limited services provided by Central Services described in **B**, **C**, and **E** above, the DCS Tribal Liaison performs necessary actions in a manner similar to those DCS provides for other states.

G. How does DCS send payments to a tribal IV-D program?

1. DCS distributes child support payments to tribal IV-D programs using electronic funds transfer (EFT).
2. Tribal IV-D Programs need to complete an **Authorization for Receipt of Electronic Funds Transfer - Tribal Child Support Programs**, DSHS 18-606, and send to:

Division of Child Support
EFT Disbursement
PO Box 9010
Olympia, WA 98507-9010