

Chapter 13: Tribal Enforcement

Section 13.095: Coordinating IV-D Services Between DCS and Tribal IV-D Programs

This section provides information regarding the coordination of services between DCS and tribal IV-D programs.

Contents

Laws	28 USC 1738 B Full faith and credit for child support orders 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	Division of Child Support (DCS) staff screen paternity establishment cases to determine if the case is included within a tribal IV-D program. DCS Tribal Liaisons disclose and communicate information with tribal IV-D program staff under the same authority as DCS shares information with other state IV-D program staff, using similar methods. DCS works with the tribe to coordinate collection activities on cases referred to a tribal IV-D program.
Procedure	Transfer tribal IV-D paternity establishment cases to the DCS Tribal Liaison in the Department of Social and Health Services (DSHS) region of the tribe that is involved. Use the DCS and Tribe Information Change Notice , DSHS 18-617, or the federal interstate forms to communicate information with tribal IV-D programs. Send a Full Collection Services Closure Letter , DSHS 18-370A, if the CP requests case closure because he or she applied for tribal IV-D services.
Visual Aids	How to Code a Tribal Case Tribal Caseload by RSEO Number Tribal IV-D Program Resources SEMS Web TI - Tribal Information
Automated Actions	

SEMS Screens	CC, BC, BI, IA, WB
Forms Used	18-617, 18-370, Interstate Forms
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-02-03 Clarifying the Applicability of the Full Faith and Credit for Child Support Act to States and Tribes</p> <p>OCSE-AT-05-07 Policy Questions and Responses to Miscellaneous Issues regarding the Tribal Child Support Program Final Rule</p> <p>DSHS Secure E-mail Message System</p> <p>OCSE Tribal Resources</p> <p>Guiding Principles for Tribal and State Cooperation</p>

Procedures

A. How do I communicate information with tribal IV-D program staff?

- The DCS and Tribe Information Change Notice, DSHS 18-617, is specifically for the Division of Child Support (DCS) and tribes to communicate child support information with each other. Also, use:
 - a. Similar communication methods with tribal child support enforcement program staff as you do with other state child support enforcement staff.
 - b. Federal interstate forms to communicate information.

B. How does DCS staff prevent new paternity establishment cases from being inadvertently sent to the Prosecuting Attorney's Office?

1. DCS staff statewide screen paternity establishment cases to determine if the case is included within a tribal IV-D program.
 - a. See Section 13.085 A., for examples of case circumstances when DCS may refer a case to the tribe.
 - b. Contact your regional Tribal Liaison with questions.

2. Transfer tribal IV-D paternity establishment cases to the Tribal Liaison in the Department of Social and Health Services (DSHS) region of the involved tribe.

C. Once DCS refers a case to a tribal IV-D program, can I share new locate, income, or asset information with the tribe?

1. Yes. Most tribal IV-D programs do not have automated locate resources.
2. The DCS Tribal Liaison can share new information with tribal IV-D programs as it does with other state IV-D programs.
 - See Section 13.070 and Chapter 22 for information on disclosure and confidentiality issues.

D. Can DCS take enforcement actions on a case after we refer it to a tribal IV-D program?

1. Yes. However, good communication between programs is critical to avoid duplication of effort.
2. After referring a case to a tribal IV-D program, the DCS Tribal Liaison will work with the tribe to coordinate collection activities.
3. For more information see the federal Office of Child Support Enforcement (OCSE):
 - a. Tribal Policy Interpretation Question PIQT-05-02 Applicability of 45 CFR Part 303 to Tribal IV-D programs, Jurisdiction, and Cooperation with State IV-D programs, and
 - b. Action Transmittal OCSE-AT-05-07 Policy Questions and Responses to Miscellaneous Issues regarding the Tribal Child Support Enforcement Program Final Rule.

E. Can a tribal IV-D program modify the Washington State's support order or the arrearages owed under that order?

1. If the order is consistent with the Federal Full Faith and Credit for Child Support Orders Act (FFCCSOA), neither a state or tribal IV-D program may modify it or the arrears owed under the order, beyond the parameters set out in FFCCSOA.
 - Other states and tribes must recognize and enforce the order.
2. Contact your regional Tribal Claims Officer and the Tribal Relations Team (TRT) with questions or concerns regarding these matters. For more information see:
 - a. OCSE AT-02-03 Clarifying the Applicability of the Full Faith and Credit for Child Support Act to States and Tribes, and

- b. OCSE PIQT-05-02 Applicability of 45 CFR Part 303 to Tribal IV-D programs, Jurisdiction, and Cooperation with State IV-D programs.

F. What if DCS receives a custodial parent's (CP's) written request to close a nonassistance case because the CP applied for tribal IV-D services?

1. Send the **Full Collection Services Closure Letter**, DSHS 18-370A.
 - a. Check box **3** and **o**, and write "You are receiving child support services from the (*list name*) Tribe and requested that DCS close your case. If you have questions, contact the (*list name*) Tribe."
 - If there are DSHS arrears owing on the case, **add** "DCS will continue to collect any arrears owed to the state."
 - a. Send a copy to the noncustodial parent (NCP).
2. If there are DSHS arrears:
 - a. Remove current support and nonassistance arrears from the case financial (CF) screen.
 - b. Change **Type** to **0** and update the **Subro** field, on the basic case (BC) screen.
 - c. Send a referral to the Tribe if appropriate.
 - d. Coordinate collection activities with the Tribe.
3. If there are **no** DSHS arrears, close the case.
 - a. Use closure code **49**.
 - b. Do not wait sixty (60) days, it is not necessary.
 - c. See Section 18.035 for closure code 49.