

Guiding Principles for Tribal and State Cooperation

Introduction

History:

On August 21, 2000, the Interim Final Rule for Tribal Child Support Programs was published. Under the Interim Final Rule nine tribes applied for and received direct funding. Federal regulation requirements for tribal programs are not identical to the regulation requirements of state programs. However, tribes that receive direct Federal funding are IV-D programs on equal footing with all other IV-D programs.

However, OCSE discovered that some tribes and states were able to identify mutual benefits to working cooperatively together and had actively pursued a relationship with each other.

In August of 2001 OCSE convened the Tribal/State Cooperation Workgroup for the purposes of identifying and discussing current issues and practices as they relate to cooperation between tribal and state IV-D programs in executing their responsibilities. The workgroup participants included the nine tribal grantees and their corresponding state counter-parts.

All the Workgroup participants agreed that regulation in this area by OCSE would be counter-productive to the development of cooperative IV-D relationships. Both tribes and states expressed concerns that a “one-size-fits-all” approach would not accommodate the diversity of tribal and state relationships that can exist. Additionally, some tribes will not receive direct Federal funding for IV-D programs but may still be vital partners. The Workgroup recognized that even when a tribe does not receive Federal funding a cooperative tribal and state relationship can be valuable.

The Workgroup believed that some guidance in this area, based on the experience of the workgroup participants, would be valuable in assisting tribes and states that are new to the child support endeavor.

Disclaimer:

Nothing in this document requires tribes and states to enter into a cooperative IV-D relationship. This document sets out the principles necessary for cooperative relationships, as identified by tribal and state participants of the Tribal/State Cooperation Workgroup, for those tribes and states that choose to enhance their relationships.

Purpose:

This document is intended to be an instructional and educational tool that tribes and states can refer to when they choose to develop or enter into cooperative IV-D relationships. OCSE envisions this as a “work-in-progress”. The principles of cooperation can be applied in a myriad of situations. As more tribes receive direct Federal funding, OCSE expects to expand Part Two, the example section, based on new issues and new solutions. This document is not intended to be prescriptive, but rather supportive of creative problem solving based upon the defined principles of cooperation and sharing of experience.

Check list of the Principles of Cooperation:

1. Find a common goal.
2. Communicate.
3. Be honest and direct in all communications.
4. Be open to creative solutions.
5. Act in “Good Faith”.
6. Provide reference support for agreements.

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Part One – Principles of Cooperation

Definitions:

In this part:

Cooperation means the honest and direct communication, at all government levels that result in mutual respect and trust and supports successful outcomes when pursuing a shared goal.

Principle means a clear fundamental doctrine that constitutes the essence of a concept and builds upon the body of that concept or its parts.

Cooperative Agreement means a mutual understanding, written or unwritten, that defines the roles and responsibilities of the respective parties in pursuit of a mutual goal.

Principles of Cooperation:

1. Find a common goal.

Identifying and articulating the goal(s) shared by both a tribe and a state is a crucial starting-point. To have a cooperative relationship, both tribes and states must recognize that each side has something to offer that will further accomplishing a shared goal.

It may be helpful to create a “mission statement”. This can provide a focus that both tribes and states can refer back to.

2. Communication.

A key principle to cooperation is communication. When tribes and states first begin to have discussions there may be a lack of agreement or understanding. However, once tribes and states have identified a common goal, it is important that both are committed to continuing dialogue to achieve that goal.

It is also important that there is exchange of dialogue at all levels. Whether it is between the heads of government or front-line staff workers, both tribes and states need to be committed to an open exchange of information.

The following may be helpful to the facilitation of communication:

- a. Establish a clear understanding of the level of authority. When developing or pursuing a shared goal, the persons who have the authority to make required decisions are necessary parties to those discussions.
- b. Establish points of contact at all levels (government-to-government, legal, policy, technical, regional and local, front-line staff). It is also important to provide direct contact information and to keep these contact lists current.
- c. Meet in person. In the beginning, and whenever possible thereafter, have face-to-face meetings. The wonders of modern technology have their uses, but the foundation of good government-to-government relationships is personal contact.
- d. Be willing to provide education. Both tribes and states should be willing to share information that is needed by the other, to achieve an understanding of their respective internal processes and governmental requirements (cultural, governmental, legal and compliance with respective Federal requirements). If both tribes and states have an understanding of this type, the discussions are more likely to focus on “how can we accomplish this” versus “we cannot accomplish this because you are not being cooperative”.

3. Be honest and direct in all communications.

Both tribes and states may have changes in their goals (based on an unlimited number of reasons) or discover that their internal processes do not allow for them to pursue a proposed objective as they had hoped.

It is crucial to be honest and direct. Trust requires confidence between agencies to secure the same ends for the common interest of all. This includes acknowledgement by a tribe or state that they cannot accomplish a shared goal in a particular manner. Neither tribes nor states, in the “spirit of cooperation”, should attempt to force particular actions to achieve a specific result.

4. Be open to creative solutions.

All actions taken, whether by a tribe or state child support, should further the efficient and effective delivery of child support services for families. Tribes and states should identify the necessary level of authority, the practical affect on the tribe or state’s internal process, and their ability to support the mutual goal(s) under the circumstances.

In some circumstances, neither tribes nor states will be able to take actions that result in the resolution envisioned. However, tribes and states should not be discouraged from pursuing a solution that results in achievement of their mutual goal(s).

5. Act in “Good Faith”.

Direct Federal funding to tribes has created “gray areas” for the National program, and tribal and state child support relationships. Tribal IV-D programs, and non IV-D programs, create new circumstances that the National IV-D program has not been previously addressed.

Provided states, and Federally funded tribal programs, adhere to Federal regulations, tribes and states should be willing to take any necessary actions in the spirit of cooperation, that further the effective and efficient delivery of child support services.

6. Provide reference support for agreements.

Tribes and states are not required to enter into any type of agreement, written or unwritten, for the cooperative delivery of child support services. However, identifying and articulating agreed upon distribution of responsibilities may help tribes and states to stay focused on the shared goal(s).