

Chapter 13: Tribal

Section 13.005: Handling Tribal Matters and Documenting Tribal Information

This section describes who is responsible for maintaining a tribal case and how to document tribal information on a case.

Contents

Laws:

Chapter 26.25 RCW Cooperative child support services - Tribes
Chapter 43.376 RCW Government-to-government relationship with Indian tribes
WAC 388-14A-1050 Cooperation with Tribes

Policy:

Division of Child Support (DCS) Tribal Liaisons manage cases meeting the definition of a "tribal case".

DCS works with Indian tribes to develop informal processes and cooperative agreements to provide culturally relevant child support services.

DCS advocates for policies, procedures and laws that respect tribal sovereignty.

DCS supports tribes interested in developing tribal IV-D programs.

Tribal Liaisons, Tribal Claims Officers and Tribal Relations Team (TRT) work with tribes in partnership.

Procedure:

Consult your Tribal Liaison for agreed upon processes and cooperative agreements with Indian tribes and when there are any tribal connections on a case.

- This includes tribal connections regarding the noncustodial parent (NCP), custodial parent (CP), child, or employer.

Use case comment (CC) code **76** to document tribal information.

Visual Aids:

Tribal Relations Internet site
Tribal Courts of Indian Tribes in Washington State
SEMS Web TI - Tribal Information

If any party's basic individual (BI) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) will change enforcement

Automated services (Enf Svcs) on the basic case (BC) to **8** (tribal services).

Actions:

No Auto Eval will occur.

SEMS BC, OR, IA, ES, CC, BI

Screens:

Forms

Used:

Hearing

and Refer all requests to the Tribal Liaison or Tribal Claims Officer.

Conference

Board

Rights:

2.005 Identifying Applications for Services and Other Sources of Cases

13.000 Understanding Tribal Policy. See Section **M** tribal connections

17.000 Using SEMS Screens as the Case Record

DSHS Administrative Policy 7.01

DCS Administrative Policy 3.04 - Claims Officers Handling Cases in Tribal Court

Washington State Centennial Accord of 1989

See Also: OCSE-AT-98-21 Cooperative Agreements

Previous Policy November 5, 2015

Previous Policy September 10, 2015

Previous Policy September 22, 2008

Previous Policy

Procedures

A. Who handles tribal matters?

1. The Division of Child Support (DCS) Tribal Relations Team (TRT) staff are primarily responsible for:
 - a. Reviewing and proposing DCS state and tribal policy.
 - b. Leading DCS efforts in developing state/tribal related child support contracts, data share, and cooperative child support agreements with Indian tribes.
 - c. Providing assistance, information, and training for regional DCS tribal relations staff, tribal officials, and tribal members.
 - d. Reviewing state and federal child support legislation for impact on Indian tribes and DCS tribal policy.
 - e. Tribal consultation concerning proposed child support legislation and policy.
 - f. Advocating for policies, procedures and laws that respect tribal sovereignty.
2. DCS has designated Tribal Liaisons who:
 - a. Manage specialized tribal cases.
 - For the definition of a "tribal case", see Section 13.000 L.
 - b. Serve as the contact and resource concerning state and tribal relations for DCS staff, local tribes, and TRT.
 - c. Provide guidance regarding DCS tribal policy, state and tribal cooperative child support agreements and processes, and tribal TANF or tribal IV-D programs.
 - d. Provide tribal outreach services and training.
3. The Virtual Legal Office (VLO) has Tribal Claims Officers who handle legal issues relating to tribal cases.
 - a. This may include bringing cases into tribal court when appropriate and possible.
 - b. Contact the DCS Policy Chief and TRT Administrator if a tribe

or tribal court raises jurisdictional issues or constitutional challenges.

- Depending on the issue, DCS Policy may also consult the Assistant Attorney General (AAG).

4. DCS Tribal Liaisons and TRT work in partnership with each other and with Indian tribes to provide necessary and appropriate child support services.

B. Where are the tribal courts in Washington?

- See - Tribal Courts of Indian Tribes in Washington State on the Washington Courts website.

C. Who are the DCS Tribal Liaisons, Tribal Claims Officers, and Indian Tribes in each region?

- See the DCS TRT Contacts on the Tribal Relations Internet Website.

D. How do I document tribal information on a case?

1. Use **CC 76** to document all tribal related comments.
2. On the **BI** screen, verify the Ethnicity Code and Tribal Affiliation Code for all parties.
 - If Ethnicity Code AI is added for any party, SEMS will automatically change the enforcement services field on the **BC** to **8 Tribal**.
3. On the **BC** screen, verify the enforcement services field.
 - If the case is not a tribal case, see Section 13.000 **L**, change the enforcement services field to the appropriate code.
4. On the order record (**OR**) screen, post the Tribal Affiliation and Resulting Order type.
5. See Section 13.015 for tribal Temporary Assistance for Needy Families (TANF) cases.

E. How do DCS Tribal Liaisons and Indian tribes share information with each other?

- DCS Tribal Liaisons and Indian tribes share information by:
 - a. Telephone, letters, e-mail, fax, and meetings.
 - i. Federal Tax Information (FTI) is generally not provided to a tribe.
 - ii. FTI can be provided under the terms of a federal offset agreement with a tribe. See Section 8.040.
 - iii. Do not fax documents containing FTI using a multi-functional printer-copier-fax device because these machines contain a hard drive which saves the data.
 - iv. If e-mail contains FTI, it must be encrypted and labeled. Type [Secure] and "FTI" in the subject line of any e-mail containing FTI.
 - b. The **DCS and Tribe Information Change Notice**, DSHS 18-617.

F. Where can I find additional resources on tribal issues?

1. DCS Tribal Relations Internet website
2. **WorkFirst Handbook: Chapter 9.1 Indian Tribes and Tribal Organizations**
3. SEMS Web TI - Tribal Information (for a partial list of tribal employers)
4. Tribal Courts section of the Washington Courts website