

Chapter 13: Tribal

Section 13.015: Establishing and Setting Up a Tribal TANF Case

This section describes what steps to take when you receive a tribal TANF referral and how to set up the case.

Contents

Laws:	<p>42 USC 612 Tribal TANF</p> <p>42 USC 654 (7) Cooperative child support agreements</p> <p>Chapter 26.25 RCW Cooperative child support services - tribes</p> <p>WAC 388-14A-5000 through 5100 allows DCS to distribute support money to a tribe with a TANF program or cooperative agreement</p>
Policy:	<p>Intergovernmental cooperative child support agreements or protocols control actions on tribal Temporary Assistance for Needy Families (TANF) cases.</p> <p>The Division of Child Support (DCS) office that is in the same DSHS region as the tribe sets up the tribal TANF case.</p> <p>DCS must receive an assignment of child support before setting up a tribal TANF case.</p> <p>DCS assigns the tribal TANF and associated cases to the Tribal Liaison unless otherwise negotiated in a protocol or cooperative agreement.</p> <p>DCS needs bank account information from the tribe in order to distribute child support payments using Electronic Funds Transfer (EFT).</p> <ul style="list-style-type: none">• The tribe can use the Authorization for Receipt of Electronic Funds Transfer - Tribal Child Support Programs, DSHS 18-606, to provide bank information to DCS for EFT payments. <p>Set up a case on the Support Enforcement Management System (SEMS):</p> <ul style="list-style-type: none">• Use case type 1 (TANF) and Intergovernmental type 2 (Responding Jurisdiction) for each NCP listed on the tribal TANF referral.• Use Registry Source 13 (Tribal TANF) unless the tribe has a IV-D program.

- If the tribe has a IV-D program, use Registry Source **12** (Tribal IV-D).
- Use Non-US FIPS code TR, followed by the three digit tribal code, found using SEMS F2 look-up for the Tribe name to identify the initiating Washington tribe.

Procedure:

- If the referral is from a non-WA tribal IV-D program and that tribe is not yet listed in the F2 look-up, contact TRT to coordinate adding that tribe's Non-US FIPS to SEMS.
- Do not assign the custodial parent (CP) a new basic individual (**BI**) number when you set up a tribal TANF case.

Document tribal information on all existing DCS cases associated with the tribal TANF case.

Set a special instruction (**SI**) only to prevent payments from being misapplied.

Request a total vs. total (TVT) when appropriate.

On each tribal TANF case, send the following information to the tribal TANF program:

- A copy of relevant child support orders,
- A copy of the basic case (**BC**) screen, and
- A DebtCalc 2009 calculation.
- Or, other information as agreed to by DCS and the tribe.

Consult the Tribal Liaison if you have questions, need additional information, or before you transfer the case to another field office.

Refer all communications with a tribe or tribal official to your Tribal Liaison.

How to Code a Tribal Case

Tribal Caseload by RSEO Number

Tribal Relations Internet site

Tribal Courts of Indian Tribes in Washington State

Tribal TANF Resources

Visual

Aids:

**Automated
Actions:**

**SEMS
Screens:** BC, BI, IA, CC, WB, CF, SI, OR, MI, DC (DebtCalc 2009)

**Forms
Used:** 18-370, 18-606, Child Support Referral - Tribe, TANF Assignment - Tribal

**Hearing
and
Conference
Board
Rights:** Refer all requests to the Tribal Liaison or Tribal Claims Officer.

See Also: 2.045 Setting Up a New Case
2.095 Case Assignment
13.020 Processing and Distributing Tribal TANF Child Support Payments
13.025 Taking Action when Tribal TANF terminates
15.15 Initiating an Intergovernmental Case for Establishment
OCSE AT-05-07 Miscellaneous Issues regarding 45 CFR part 309, the Tribal Child Support Program Final Rule
Previous Policy December 17, 2015
Previous Policy September 10, 2015
Previous Policy July 24, 2009
Previous Policy

Procedures

A. What is the background of tribal TANF programs?

- Federal law authorizes Indian tribes to operate their own Temporary Assistance for Needy Families (TANF) programs and child support

programs.

- a. These programs impact the Division of Child Support (DCS) state/tribal cases, policy, procedure, and services.
- b. See the DCS Tribal Relations Website for a list of Indian tribes in Washington State with TANF programs.

B. What is a tribal TANF case?

1. A tribal TANF case is a DCS case that is opened as a result of an Indian tribe authorizing TANF through a tribal TANF program.
 - a. The tribal TANF program will send DCS a referral requesting that we open and enforce a child support case for them.
 - b. The tribal TANF program will also send DCS a tribal assignment of support rights.
 - DCS must receive a referral and a tribal assignment of support rights **before** we can set up a tribal TANF case **and** send child support payments to the tribal TANF program.

Note: See samples of a Tribal TANF Assignment and Tribal Child Support Referral.

2. DCS works with each Indian tribe that has a tribal TANF program to negotiate an intergovernmental child support agreement, protocol, or Memorandum of Understanding.

C. Who receives tribal TANF referrals?

- The Tribal Liaison in the region of the tribe receives the tribal TANF referrals.
 - a. Tribes send referrals to DCS by fax, mail, or secure email. See Section 2.095.
 - b. DCS must also receive a tribal assignment of support rights, assigning child support to the tribal TANF program.

- The assignment form must be signed by the custodial parent (CP) unless there is a tribal statutory assignment.

D. How do I set up a tribal TANF case?

1. Usually, the DCS office nearest the tribe will:
 - a. Receive the tribal TANF referral,
 - b. Set up the case, **and**
 - c. Work the case.
2. DCS may forward a tribal TANF case to the field office where the noncustodial parent (NCP) lives.
 - a. The Tribal Liaison manages the case and associated cases. See **E** below for the definition of an associated case.
 - b. You may contact the Tribal Liaison with questions.
3. Assign South Puget Intertribal Planning Agency (SPIPA) tribal TANF cases as follows:
 - a. To the designated Olympia Tribal Liaison if the CP lives in Mason or Thurston County.
 - b. To the designated Tacoma Tribal Liaison if the CP lives in Pierce or Kitsap County.
 - c. Contact the Tribal Liaison if the case has other tribal connections. See Section 13.000 **M**.
4. If the referral includes a CP or child on any open DCS cases, immediately set special instructions (**SI**) for each NCP associated with the existing cases to prevent misapplied child support payments.
5. Set up a new responding jurisdiction (Intergovernmental Type **2**) TANF case (Case Type **1**, TANF) for each NCP listed on the tribal referral.
 - You should get a tribal referral for each NCP.

Note: Do **not** assign the CP a new **BI** number.

6. Use Registry Source Code **13** (Tribal TANF).
7. To identify the initiating tribe use the Non-US FIPS code listed in the F2 look-up in SEMS.
8. Update the Tribal Access Code field on the Intergovernmental tab of the Basic Case (**BC**) screen with the appropriate tribal code number (if the Tribe has an ACES SEMS Web Agreement with DCS). Find the code by using the ellipsis button (...) to the right of the field.
9. Make sure the Ethnicity codes on the **BI** screens are correct.
10. On the tribal case post three (3) addresses to the CP's IA:

- a. For payment processing, enter the tribe's address as:

Address type **14** (Intergovernmental Payment), verification code **01** (verified).

Tribes TANF Program
Attn: (Tribal contact name)
RE: (CP's name)
Tribe's address

- b. For correspondence, enter the tribe's address as:

Address type **11** (Intergovernmental Contact), verification code **32** (unverified).

Tribes TANF Program
Attn: (Tribal contact name)
RE: (CP's name)
Tribe's address

- c. Enter the CP's address as:

Address type 2 (mailing), verification code **32** (unverified).

CP's name
CP's address

11. Update the tribal and existing associated cases with the most current

information.

- Contact the Tribal Liaison if you need more information to set up the tribal case.
12. Post a case comment (**CC**) **76** entry and a **White Board (WB)** comment on both the tribal TANF case **and** on any existing open DCS associated case(s) to show that the family is receiving a tribal TANF grant. See Section 17.000 **C** for **WB** instructions.
 - On the tribal case, enter: "This is a (list tribe) tribal TANF case effective (list date)."
 13. On the existing associated DCS case(s) enter: "Effective (date) the CP (name) and children (names) are receiving tribal TANF from the (tribe's name) Tribe. The new IV-D case is (write in the new D#)."
 14. Assign the case to the Tribal RSEO Number for the tribe involved, or to the Tribal Liaison if a designated number does not exist. See Tribal Caseload by RSEO Number.

E. What is an associated case?

1. **Associated cases** are NCP's other, existing, open cases that are in SEMS at the time DCS receives the tribal TANF referral. These cases may include:
 - a. Case(s) with a different family unit.
 - b. Case(s) with the same family unit.
 - c. Foster care cases.
 - d. Third party custodian case(s).
 - e. Other tribal TANF program case(s).
2. Why does the Tribal Liaison pull **associated cases** into their caseload?
 - a. So NCP will have only one RSEO and one point of contact with DCS.
 - b. So only one RSEO will manage and take action on NCP cases.

3. Are all **associated cases** coded **08** Tribal on the Enf Svc Field on the Basic Case (BC) screen?

- No. The **associated cases** should stay coded **02** CS/Medical on the Enf Svc Field to allow Auto Eval (EV) to work for collection purposes, provided both of the following are true:
 - i. The NCP is not a member of a federally recognized Washington tribe, **and**
 - ii. The **only** tribal connection is the tribal TANF case.

F. Does the sixty-day rule apply if I am establishing support on a tribal TANF case?

- No. The rule only applies to Washington State TANF and foster care cases. See Section 6.085 C 5.

G. What if the NCP lives in another state?

1. If the NCP lives in another state, you may need to send a referral to that state for establishment or enforcement.

Note: If NCP is a member of a tribe with a IV-D program, contact that tribe to determine if they have long-arm jurisdiction and if the referral should be sent to them.

2. When you refer a tribal responding intergovernmental case to another state, set up a **new** case with Washington as the initiating jurisdiction (**IJ**).

Note: Do **not** put dollar amounts on the case financial (**CF**) screen of the initiating case. Set the Washington initiating case **CF** to “E” (exempt) for credit bureau reporting, as the other state will report the NCP’s debt to credit bureaus. See Section 10.130.

3. When you send a transmittal to the new responding state, where NCP now lives, include both current support and debt amounts from the original tribal responding intergovernmental case.

4. If you make a referral through CSENet, post the dollar amounts in the comment section.

Sample posting: Washington is enforcing on behalf of a tribal TANF program. Call (xxx) 123-4567 with any questions. MOA: \$280, Debt: \$3800, Debt Period: 3/99 thru 9/05.

H. What other action do I take on the CP's or child's existing open DCS cases?

1. Stop providing nonassistance services to the child by closing the non-TANF case.
 - a. Use the appropriate closure code. See Chart: Case Closure Criteria and Codes.
 - b. If the NCP owes arrears to Washington State, continue to collect the arrears until paid in full.
 - c. Send the **Full Collection Services Closure Letter**, DSHS 18-370 to the CP.
 - i. Select Box **1**. "*Other*," **and**
 - ii. Add, "You have assigned your current support to a tribal TANF program."

Note: Do **not** send a copy of the **Full Collection Services Closure Letter**, DSHS 18-370 to the NCP as DCS continues to provide full services on the tribal TANF case.

2. After you open the tribal TANF case:
 - a. Transfer current support, temporarily assigned arrears, and any arrears owed to the CP from the IV-D case financial (**CF**) over to the corresponding tribal TANF case **CF**.
 - b. Transfer information from the order record (**OR**) and medical insurance (**MI**) screens to the tribal TANF case.
 - c. Delete the **SI** when the EFT and **CF** are set up.
3. If appropriate, request a total v. total calculation on the CP's prior state TANF case. Depending on the results, adjust the **CF** screens of both the tribal TANF and the DCS cases.

4. If a child receives both state TANF and tribal TANF related to Family Reunification, report to TRT and the Family Reunification Coordinator. See Section 4.000.

I. What information do I send to the tribal TANF program in order for them to properly account for child support payments?

- On each tribal case send the following information to the tribal TANF Program, unless otherwise agreed to with the tribe:
 - a. A copy of **all** relevant child support orders.
 - b. A copy of the basic case (**BC**) screen.
 - c. A month-by-month child support debt calculation of any arrears owing to the tribal TANF program, using DebtCalc 2009.
 - To access DebtCalc 2009, type **DC** in the action field in the Support Enforcement Management System (SEMS).
 - d. Other information as agreed by DCS and the tribe.