

Chapter 13: Tribal Enforcement

Section 13.040: Differences in Taking Actions on Cases with Tribal Connections

This section briefly discusses differences in taking actions on cases with tribal connections.

Contents

Laws:	Chapter 26.25 RCW Cooperative child support services - Tribes Chapter 37.12 RCW Jurisdiction over Indians and Indian Lands
Policy:	<p>Federally recognized tribes are independent sovereign governments with their own political structure and laws.</p> <p>The Division of Child Support (DCS) seeks to work with Indian tribes to develop informal processes and cooperative agreements to address child support.</p> <p>DCS's goal is to make use of tribal courts and remedies whenever appropriate.</p> <p>Do not take any collection action against an Indian tribe, a tribally owned enterprise, or an Indian-owned business located on a reservation or trust land, unless the tribe agrees to an enforcement process.</p>
Procedure:	<p>Consult with your Tribal Liaison before attempting to take collection actions against tribal income or assets.</p> <p>Procedures vary depending on local and state agreements, refer to your Tribal Liaison for guidance.</p>
Visual Aids:	Tribal Relations Internet site SEMS Web TI - Tribal Information Tribal Employers and Enterprises
Automated Actions:	If any party's basic individual (BI) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) changes Enf Svcs on BC to 8 . No Auto Eval occurs.

SEMS Screens: CC, IA, BC, BI, OR

Forms Used:

Hearing and Conference Board Rights:

See Also: 9.005 Identifying Funds Exempt from Attachment
[13.000 Understanding Tribal Policy](#). See Section 13.000 M
13.045 Enforcing Support on a Tribal Case
13.050 Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends Federal Indian Policy
DSHS Administrative Policy 7.01
Washington State Centennial Accord of 1989
[Previous Policy September 8, 2009](#)
Previous Policy

Procedures

A. Why are there differences when taking actions on cases with tribal connections?

1. Each tribe is an independent sovereign government with its own political structure and laws.
2. Division of Child Support (DCS) has Tribal Liaisons who manage tribal cases and are familiar with local tribes and agreements. See Section 13.000 L.
3. Differences in working cases may exist as some tribes have a tribal

IV-D program, cooperative agreements with DCS or have their own tribal TANF programs. DCS's goal is to utilize tribal courts and remedies whenever appropriate.

B. What actions should I take on cases with tribal connections?

1. Contact your Tribal Liaison or Tribal Claims Officer when:
 - a. Paternity or child support needs to be established on cases with tribal connections. See Section 13.000 M.
 - b. The tribal order does not address child support.
 - c. DCS 35 month modification review indicates the tribal order needs modification, or other actions.
 - d. There are tribal connections and you may need to transfer the case to the Tribal Liaison. See Section 13.000 M.
2. DCS staff use case comment (CC) code 76 to document all tribal references to the case.

C. What are some enforcement limitations on tribal cases?

1. Do **not** attach the following:
 - a. Resources specifically excluded for attachment under Federal Law, including American Indian Trust, Settlement, and Judgment Funds, or land held in Trust.
 - b. Tribal per capita payments; unless DCS has an agreed process with the tribe paying the per capita to attach them.

Note: Chart - **Funds and Assets Exempt from Attachment.**

2. Attach shareholder dividends from Alaska Native Corporations by court order **only**, and **only** apply such dividends to nonassistance current child support or arrears. See Section 13.050.
3. Consult your Tribal Liaison or Tribal Claims Officer before doing

any of the following:

- a. Referring the case for contempt.
- b. Beginning the license suspension process.
- c. Sending a Creditor's Claim against an estate of an American Indian NCP.
- d. Beginning Non-Wage Enforcement Program (NWE) collection action.
- e. Asking to post the NCP to the DCS Most Wanted website.
- f. Issuing collection actions to any tribe, tribally owned enterprise, or Indian-owned business.

- i. See SEMS Web TI - Tribal Information for a listing of Washington Indian tribes, enterprises, and businesses.

- ii. Refer to the Tribal Liaison or Tribal Relations Team (TRT) if you have questions.

- iii. See Washington State Gambling Commission for Tribal Casinos in Washington.

- iv. See Washington State Card Rooms by County for all card rooms in Washington.

Note: DCS has **no** authority to enforce noncompliance actions against **Tribal employers, including** Tribal Casino or Tribal Card Room employers.

- g. Issuing collection actions against on-reservation assets and income like employee wages, gaming profits, per capita payments, or personal and real property.

- h. Taking collection action against off-reservation assets if prohibited by an intergovernmental agreement. Intergovernmental agreements may address limitations against these assets.

Note: There may be other enforcement limitations based

on state and tribal agreed processes or cooperative agreements.

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