

This policy has been amended by the following:

- **CN-284: Affordable Care Act Implementation UPDATED**

Chapter 13: Tribal Enforcement

Section 13.045: Enforcing Support on a Tribal Case

This section explains what actions to take when you want to enforce a support order.

Contents

Laws:

Chapter 26.25 RCW Cooperative child support services - tribes
Chapter 37.12 RCW Jurisdiction over Indians and Indian Lands
WAC 388-14A-1050 Cooperation with tribes

Policy:

The Division of Child Support (DCS) uses the processes developed between DCS and Indian tribes in informal processes and cooperative agreements to address child support.

The Tribal Liaison decides what enforcement actions to take on a tribal case based on DCS policy, tribal codes, and cooperative agreements.

Tribal **Liaisons** and Tribal Relations Team (TRT) work in partnership to enforce support on tribal cases.

Procedure:

Consult the Tribal Liaison for available remedies before taking any enforcement action on cases with tribal connections.

Visual

Aids:

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

Automated Actions:

If the noncustodial parent's, custodial parent's, or child's basic individual (**BI**) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) will change Enf Svcs on **the** basic case (**BC**) to **8 - Tribal Services**. No Auto Eval will occur.

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

Forms Used: 09-836, 09-857

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

See Also: 9.005 Identifying Funds Exempt from Attachment
10.010 Withholding From an Employer
[10.140 Non-Wage Enforcement Program](#)
[10.145 Most Wanted Website](#)
13.050 Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends
13.080 Tribal IV-D Programs - General Information
13.085 Initiating Referrals to Tribal IV-D Programs
13.090 Responding to Referrals from Tribal IV-D Programs
13.095 Coordinating IV-D Services Between DCS and Washington Tribal IV-D Programs.

Federal Tribal Policy
Washington State Centennial Accord of 1989
DSHS Administrative Policy 7.01
[Previous Policy May 29, 2008](#)
Previous Policy

Procedures

A. What do I need to know about collection actions on tribal cases?

1. You **cannot** send a collection action to an Indian tribe, a tribally-owned enterprise, or an Indian-owned business located on a

reservation or trust land.

2. If there appear to be collectible assets on a case with tribal connections, **see Section 13.000 M**, contact the Tribal Liaison.
3. The Tribal Liaison determines the appropriate enforcement remedy. Depending upon the tribe and the situation, the Tribal Liaison may:

- a. **Refer the case to a tribal child support program, if appropriate.**
- b. Contact the noncustodial parent (NCP) to negotiate:
 - i. A tribal voluntary **Assignment of Earnings or Income From an Indian Tribe, Tribal Enterprise, or Indian-Owned Business**, DSHS 09-836,
 - ii. Voluntary payments, **or**
 - iii. An electronic funds transfer (EFT).
- c. Refer the case to the tribal court to attach on-reservation income and assets, **if a process is available.**

For example: Employee wages, per capita, trust income, or dividends.

- d. Use an **Income Withholding for Support**, DSHS 09-857, when the tribe has agreed to honor it.
- e. **Consider other enforcement remedies.**

B. Should I attach an NCP's off-reservation assets?

1. Yes, **unless**:
 - a. A tribal IV-D program is involved; see Sections 13.080-13.095, **or**;
 - b. A cooperative agreement says otherwise.
2. **Off-reservation assets and income may include:**

- a. Unemployment compensation (UC) benefits, Department of Labor and Industries (L&I) benefits, or Social Security benefits (SSA),
- b. insurance settlements,
- c. Lottery prizes, **and**;
- d. Bank accounts.

Note: See Section 13.040 for funds exempt from DCS attachment.

3. DCS can only attach shareholder dividends from Alaska Native Corporations by court order. See Section 13.050.
4. If you are considering the case for license suspension actions, see Section 13.055.

C. How can I tell if a business is associated with a tribe?

1. The employer's name, location, or type of business may alert you that it is associated with a tribe.
2. Search SEMS Web Tribal Information **(TI)**.
 - If you still cannot determine the tribal status of an employer, consult the Tribal Liaison.

D. What if I find out a business is associated with a tribe?

1. If the employer name appears on **TI** and the NCP is still employed, coordinate case transfer with the Tribal Liaison. See Section 13.000 **L** for the definition of a tribal case.
2. If the name does not appear after searching SEMS Web - Tribal Information, **(TI)** give your Tribal Liaison **all** of the following **information** to update the **(TI)** database:
 - a. Business name,
 - b. Business address,
 - c. Federal Employer Identification Number (FEIN), and

d. Uniform Business Identifier (UBI) number.

E. Can I take noncompliance action against a tribe?

- No. You **cannot** take noncompliance action against an Indian tribe, tribally-owned enterprise, or Indian-owned business located on a reservation or trust land **because of tribal sovereignty**.

F. Can I take Non-Wage Enforcement Program (NWEPP) action, refer a case for contempt, or post the NCP to the DCS Most Wanted website?

1. **No. Contact the Tribal Liaison. The liaison may:**
 - a. **Contact the tribe to see if the tribe or tribal court can assist DCS in obtaining support payments.**
 - b. **Consult with the Tribal Relations Team (TRT) to determine how to proceed.**
2. **The Tribal Liaison may **only** consider these collection remedies if **all** other normal collection remedies have failed.**
3. **Normal collection remedies include:**
 - a. **Recent telephone calls to the NCP,**
 - b. **Letters to the NCP requesting voluntary payments or wage assignment, **and**;**
 - c. **Determine if referral to the tribe is an option.**