

**This policy has been amended by the following:**

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

## Chapter 13: Tribal Enforcement

### Section 13.055: Handling License Suspension on Tribal Cases

This section gives guidance on handling tribal cases with license suspension considerations.

#### Contents

RCW 26.25.010, 020, and 030 Cooperative Child Support Services - Tribes

#### Laws:

RCW 37.12.010, 021, 040, and 050 Jurisdiction over Indians and Indian Lands

SEMS (Support Enforcement Management System) excludes cases coded with Enforcement Services **8** from automated warning letters.

If a case meets certain criteria, the Tribal Liaison may consider a license suspension action on a Tribal Case.

#### Policy:

Staff may proceed with a license suspension action on cases that have tribal connections, but do not meet the definition of a Tribal Case, unless a cooperative agreement says otherwise.

Before sending the **License Suspension Certification**, DSHS 09-852, the Tribal Liaison contacts the tribe for possible referral to the tribe for enforcement action.

- The Tribal Relations Team is available to assist Tribal Liaisons in contacting the tribe.

#### Procedure:

Contact your Tribal Liaison before proceeding with license suspension on cases with tribal connections.

#### Visual

Tribal Relations Internet site

**Aids:** SEMS Web TI - Tribal Information

**Automated  
Actions:**

**SEMS  
Screens:** LI, CC

**Forms  
Used:** 09-851, 09-520, 09-277B, 09-850, 09-852  
Most DCS forms note procedures for tribal cases.

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

**See Also:** 7.110 Hearing Rights on License Suspension  
10.105 License Suspension Warning Letter, DSHS 09-850  
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  
Previous Policy December 28, 2011  
Previous Policy

## Procedures

### A. When can I consider a tribal case for license suspension?

1. Utilize this remedy consistent with any cooperative agreements that may be in effect, and in coordination with any tribal IV-D programs that may be involved. See Sections 13.080 - 13.095.
2. Consider a tribal case for license suspension when **all** of the

following apply:

- a. The noncustodial parent (NCP) meets the conditions described in Section 10.105.
- b. The NCP's actual income is the basis of the child support order.

**Note:** You may consider the case for license suspension, even if the NCP's actual income is not the basis of the child support order, if **both of the following are true:**

- i. You are unable to revisit the order because the NCP has not provided the needed income information after you have called and written, **and** have requested assistance from the tribe or the Tribal Relations Team (TRT), **and**
  - ii. You have reason to believe the NCP has income to pay the support.
- c. Normal collection remedies have been exhausted. For this purpose, normal collection remedies, include:
    - i. Recent telephone calls and letters to the NCP requesting voluntary payments or a wage assignment.
    - ii. Contacting the tribe to see if the tribe or tribal court can assist the Division of Child Support (DCS) in obtaining support payments.

## **B. How do I initiate license suspension on a tribal case?**

1. Post on the case comment (**CC**) screen, code **76**, how the NCP meets the criteria.
2. Send the **License Suspension Warning Letter**, DSHS 09-850.
  - a. If the NCP does not respond, send the **Notice of Noncompliance and Intent to Suspend Licenses**, DSHS 09-851.
  - b. If no response to the DSHS 09-851, the Tribal Liaison or

TRT should contact the tribe before proceeding with the **License Suspension Certification**, DSHS 09-852.

**Note:** The Tribal Liaison or TRT may contact a tribal official (such as a tribal attorney) to see if the tribe or tribal court can assist with enforcement to prevent this action or other more aggressive forms of collections.

**C. Can I proceed with license suspension if the case does not meet the definition of a "tribal case" but has tribal connections?**

1. Consult your Tribal Liaison.
2. You may proceed if normal collection actions have failed and the action is not prohibited in a cooperative agreement. **For example:** NCP is an American Indian but **not** a member of a federally recognized Washington tribe.
  - See Section 13.000 **L** for the definition of a "tribal case" and Section 13.000 **M** for tribal connection examples.