

This policy has been amended by the following:

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

Chapter 13: Tribal Enforcement

Section 13.070: Handling Public Disclosure and Confidentiality Issues on Tribal Cases

This section discusses disclosure of information and records with officials from federally recognized Indian tribes.

Contents

42 USC 612 Tribal Temporary Assistance for Needy Families (TANF)

42 USC 654(33) Cooperative child support agreements

42 USC 655 (f) Direct federal funding to Indian tribes

45 CFR 307.13(a)(3) Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997

Laws:

RCW 26.23.120 Information and records, confidentiality, disclosure

RCW 26.25.010, 020, and 030 Cooperative child support services - Tribes

WAC 388-14A-1050 Cooperation with Tribes

WAC 388-14A-2105 through 2160 Confidentiality

The Division of Child Support (DCS) can disclose information and records to officials of federally recognized tribes if disclosure is necessary for:

- The administration of the child support program, **or**
- The performance of DCS functions and duties under state and federal laws.

Policy:

Non-federal tax information (FTI) and records may be disclosed to tribal IV-D staff under the same authority that DCS staff shares information with other state IV-D staff. See Section 22.010 Chart Information a Support Enforcement Officer may disclose.

Consult your regional Tribal Liaison, Tribal Claims Officer, Public Disclosure Coordinator (PDC), Economic Services Administration (ESA) Public Disclosure Unit, or the Tribal Relations Team (TRT) with questions regarding disclosure.

Procedure:

When you receive a request for information, follow local office procedure for releasing information or referring the request to the PDC.

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

**Visual
Aids:**

[Chart](#) Information a Support Enforcement Officer may Disclose

**Automated
Actions:**

**SEMS
Screens:** CC, BI, BC

**Forms
Used:** 17-063, 18-617

**Hearing
and
Conference
Board
Rights:**

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

5.015 Secretary of State's Address Confidentiality Program (ACP)

5.020 Responding to Family or Domestic Violence Issues

8.040 Communication with Tribal IV-D and **TANF** Programs Regarding Federal Offset Certification Information

13.095 Coordinating IV-D Services Between DCS and Washington Tribal IV-D Programs

22.000 General Information about Public Disclosure and Confidentiality

22.005 What Kinds of Information can the Division of Child Support (DCS) Disclose and to Whom?

22.010 Chart Information a Support Enforcement Officer May Disclose

See Also:

[DCS Administrative Policy 1.17 Internet and E-mail Use](#)

[OCSE PIQ-Tribal-04-01 Providing Tribal IV-D Services and Access to State Data](#)

[OCSE-AT-04-01 Final Rule: Tribal Child Support Enforcement Programs, Final Rule on Tribal Child Support Enforcement Programs](#)

[OCSE-AT-05-07 Miscellaneous Issues regarding 45 CFR part 309, the Tribal Child Support Enforcement Program Final Rule](#)

[Federal Tribal IV-D programs](#)

[WA Tribal TANF programs 45 CFR Part 309 Tribal Child Support Enforcement Programs](#)

[Previous Policy September 10, 2015](#)

[Previous Policy October 31, 2012](#)

[Previous Policy May 29, 2008](#)

[Previous Policy June 5, 2007](#)

Procedures

A. Who handles public disclosure issues regarding tribal matters?

1. Your initial point of contact is your Tribal Liaison or Tribal Claims Officer.
2. The Tribal Liaison or Tribal Claims Officer may refer the matter to the [ESA](#) Public Disclosure Coordinator (PDC).

B. May I disclose information and records to tribal IV-D staff?

1. Yes. You can disclose non-[federal taxpayer information \(FTI\)](#) and records to tribal IV-D program staff under the same authority as you share information with other state IV-D program staff.
2. [If the Tribe has a federal offset agreement with DCS, you may share additional information with the Tribe, as necessary, for attaching and processing federal offset payments. Review the agreement regarding the specifics on what you can and cannot release. See Section 8.040.](#)

Note: See Section 22.010 Chart Information a Support Enforcement Officer May Disclose.

C. May I disclose information to a federally recognized Indian tribe for child support enforcement purposes?

1. Yes. You may disclose non-FTI to any federally recognized Indian tribe if disclosure is necessary for:
 - a. The administration of the child support program, **or**
 - b. The performance of DCS functions and duties under state and federal laws.
2. An **Authorization to Disclose Personal Information**, DSHS 17-063, is **not** required if:
 - a. The tribal official works for a tribal IV-D or **TANF** program, **or**
 - b. The tribal official is a child support contact under a cooperative agreement.

Note: See Section 22.010 Chart Information a Support Enforcement Officer May Disclose.

D. How do I disclose information to a tribal IV-D program, tribal TANF program, or any other federally recognized tribe?

1. You may share information using similar communication methods as you do with other state child support enforcement staff.
2. You may also use the **DCS and Tribe Information Change Notice**, DSHS 18-617, or federal intergovernmental forms.
3. If you include confidential information in an e-mail sent outside the State Government Network (SGN) or the Intergovernmental Network (IGN), you **must** use the DSHS Secure E-Mail Message System. See Section 22.000 F.

E. What are examples of situations in which I may disclose

case information to officials of a federally recognized Indian tribe necessary for the administration of the child support program?

1. A tribe asks DCS for non-specific case data because the tribe is:
 - a. Considering negotiating an informal process or cooperative agreement with DCS,
 - b. Determining the impact of operating a tribal IV-D program,
 - c. Deciding how to address child support issues on tribal TANF cases, **or**
 - d. Considering a process for DCS to file cases in tribal court for establishment or enforcement.
2. If DCS receives a call from a tribal official who works for a tribal IV-D or TANF program who was asked by a tribal member to help resolve a child support issue, you can release case information **only if** the inquiry is:
 - a. For a child support purpose, **and** is about their specific tribal Temporary Assistance for Needy Families (TANF) or tribal IV-D case. **Or**
 - b. Under the terms of a cooperative child support agreement.
3. If a Tribal Liaison receives a tribal court subpoena for disclosure of confidential information and the information requested is related to child support enforcement, forward the subpoena to both the:
 - a. DCS Policy and Litigation Manager and,
 - b. Economic Services Administration (ESA) Public Disclosure Unit.

Note: If the tribal court subpoena is initially received by the Policy and Litigation Manager, the Policy and Litigation Manager will forward the subpoena to the ESA Public Disclosure Unit and to the Tribal Liaison.

F. What are the exceptions to disclosing information to a

federally recognized Indian tribe?

1. Good cause has been granted. See Section 5.010.
2. A party is in the address confidentiality program (ACP). See Section 5.015
3. The domestic violence indicator on the BI screen is set to **1**. See Section 5.020.
4. DCS does not have a case for the parties.

Note: Additional disclosure information may be found in federal offset agreements with IV-D and IV-A programs. See Section 8.040.

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