

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

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

**Chapter 13: Tribal Enforcement**

**Section 13.085: Initiating Referrals to Tribal IV-D Programs**

**Contents**

- 42 USC 654 (33) Cooperative child support agreements
- 42 USC 655 (f) Direct federal funding to Indian tribes
- 45 CFR 302.36 Intergovernmental and Tribal reciprocity
- 45 CFR 303.7 Provision of Intergovernmental IV-D cases
- 45 CFR Part 309 Tribal child support enforcement programs - Final Rule
- 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

**Laws:**

DCS staff use federal intergovernmental forms to initiate referrals to tribal IV-D programs.

Tribal Liaisons refer cases to:

1. Washington tribal IV-D programs.
2. Out-of-state tribal IV-D programs that have an agreement with DCS.

RSEOs refer cases to all other out-of-state tribal IV-D programs.

**Policy:**

DCS leaves existing liens and withholding notices in place, such as those to the Employment Security Department, Department of Labor and Industries, and Social Security Administration, unless otherwise agreed by the Tribal Liaison and tribal IV-D staff.

DCS will:

- Coordinate with the tribe before releasing any withholding notices and wage assignments.

- Leave Internal Revenue Service (IRS) certification in place unless the case meets one of the conditions listed in Section [8.030](#).

When **Tribal Liaisons** refer a case to a tribal IV-D program, **they will:**

- Post a case comment ([CC](#)) code **76** and a white board ([WB](#)) comment indicating the case is a tribal IV-D case, list the tribe, and that DCS is the initiating jurisdiction (IJ).
- Code the basic case ([BC](#)) screen to Enforcement Services **8**, (for WA Tribal IV-D referrals), Intergovernmental Type **1**, and utilize the F2 look-up in SEMS for the Tribe **Non-US FIPS** code field. Use the ellipsis (...) button to find the Tribe's code to enter in the Tribal Access Code field if the tribe has an [ACES SEMS Web Agreement](#) with DCS.

**Procedure:**

When RSEOs refer a case to out-of-state tribal IV-D programs that do not have agreements with DCS, they will code the case per Section 15.050.

Assign the case to the [Tribal RSEO Number](#) for the tribe involved, or to the Tribal Liaison if a designated number does **not** exist.

**Visual Aids:**

How to Code a Tribal Case  
 Tribal Caseload by RSEO Number  
 Tribal IV-D Program Resources  
 SEMS Web TI - Tribal Information (Tribal Employers)

**Automated Actions:**

**SEMS Screens:** CC, CF, BC, WB

**Forms Used:** 09-881, 18-570, 18-577, 18-578, DOH 422-032 (English) or DOH 422-117 (Spanish) Paternity Acknowledgment

**Hearing**

**and  
Conference  
Board  
Rights:**

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

OCSE PIQT-04-01 Direct Income Withholding when Employers are Subject to a Tribe's Jurisdiction, Providing Tribal IV-D Services and Tribal Access to State Data

OCSE PIQT-05-01 Transfer of Cases to Tribal IV-D Agencies and Case Closure Criteria

OCSE PIQT-05-02 Applicability of 45 CFR Part 303 to Tribal IV-D programs, Jurisdiction, and Cooperation with State IV-D programs

OCSE-AT-05-07 Policy Questions and Responses to Miscellaneous Issues regarding the Tribal Child Support Program Final Rule

OCSE Tribal Resources

**See Also:**

Guiding Principles for Tribal and State Cooperation

Intergovernmental Reference Guide (IRG)

13.080 Tribal IV-D Programs – General Information

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 January 29, 2015

Previous Policy November 29, 2011

Previous Policy

## Procedures

### A. Who refers cases to tribal IV-D programs?

1. Tribal Liaisons refer cases to:
  - a. Washington tribal IV-D programs.
  - b. Out-of-state tribal IV-D programs that have an agreement with DCS.
2. RSEOs refer cases to all other out-of-state tribal IV-D programs. See Section 15.015 for procedure. See the tribal section of the Intergovernmental Reference Guide (IRG) for details about th

tribal IV-D program.

**B. What cases should the Tribal Liaison refer to a Washington tribal IV-D program?**

1. The Tribal Liaison and the tribe work together to identify cases for referral to a tribal IV-D program. Consider the following criteria:
  - a. One or more parties reside within the boundaries of the reservation.
  - b. One or more parties are members of the tribe or the child is potentially eligible for enrollment.
  - c. One or more of the parties requests services from a tribal IV-D program.
  - d. The child was conceived on the reservation and paternity needs to be established.
  - e. The noncustodial parent (NCP) is employed by the tribe, tribal enterprise or Indian-owned business located on the reservation.
  - f. The tribal court issued the paternity or child support order.
  - g. Other tribal considerations:
    - i. Tribal IV-D program requirements;
    - ii. Tribal membership;
    - iii. Location of parties;
    - iv. Location of assets or income;
    - v. Employment history;
    - vi. Best interest of the children;
    - vii. Agreement of the parties; and
    - viii. Other factors consistent with DCS tribal policy. See Section 13.000 L and M for further criteria.

**C. What does it mean for the Tribal Liaison to "refer" a case to a tribal IV-D program?**

1. Referring a case involves sending an intergovernmental referral to a tribal IV-D program, without making any adjustments to the debt on the **CF** screen.
2. Both the state and tribal IV-D programs maintain an open IV-D case and work cooperatively to ensure that necessary IV-D services are provided.
3. The tribal IV-D program sends child support collections to DCS for distribution.

**D. How does the Tribal Liaison code a tribal IV-D case on SEMS?**

1. If the case involves a tribal IV-D program in Washington State or an out-of-state tribal IV-D program with an agreement with DCS, assign the case to the:
  - a. Designated employee number for the tribe, **or**
  - b. Tribal Liaison if a designated number does **not** exist.
2. Post a case comment (**CC**) code 76 entry and a white board (**WB**) comment:
  - a. Document that this is a tribal IV-D case,
  - b. List the tribe, and
  - c. DCS is the initiating jurisdiction (IJ).
3. On the **BC** screen:
  - a. Code Enforcement Services to **8**.
  - b. Set the Intergovernmental code to **1** (Initiating Intergovernmental).
  - c. Enter the **Non-US FIPS** Code as **TR** followed by the three digit tribal code found by using the F2 look-up in SEMS (de-select "Do Not Include Non-US FIPS box).

- d. Use the ellipsis (...) button by the **Tribal Access Code** field on the Intergovernmental Tab on the Basic Case screen to find the Tribe's code to enter in the field only if the tribe has an ACES SEMS Web Agreement with DCS.

**Note:** The Tribal Access code identifies the tribe with limited inquiry only access to the case information in the Support Enforcement Management System (SEMS) Web.

4. If a tribal order exists, ensure the tribal code is **entered** in the Tribe field of the order record OR screen.

## E. What actions should the Tribal Liaison take before initiating a referral to a **Washington** tribal IV-D program?

1. Send the custodial parent (CP), a **Child Support Case Information**, DSHS 09-881.
  - a. Allow the CP fourteen (14) days to respond.
  - b. See Section 22.010 for further instructions.
2. If the CP does **not** object to the release of his or her address, use existing intergovernmental referral forms to send referrals to a tribal IV-D program.
3. Leave existing liens and withholding notices, such as to the Employment Security Department, Department of Labor and Industries and Social Security Administration in place, unless:
  - a. Otherwise agreed by **the Tribal Liaison** and tribal IV-D staff, or
  - b. You are closing the case.
4. On the case financial (**CF**) screen, leave the auto IRS field **coded as Y** unless the case meets one of the conditions in handbook Section [8.030](#).
5. If DCS is currently receiving payments, coordinate with the tribe the release of any withholding notices and wage assignments.
6. Refer to the Tribal IV-D Program Resources on the DCS Tribal Relations Internet Website for more information about specific

tribal:

- a. IV-D contacts,
- b. Services,
- c. Codes and policies,
- d. Agreements, and
- e. Intergovernmental requirements.

Revised September 10, 2015