

This policy has been amended by the following:

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

Chapter 13: Tribal Enforcement

Section 13.090: Responding to Referrals from Tribal IV-D Programs

This section provides information regarding responding to referrals from 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 303.7 Provision of services in 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 Central Services staff perform limited service requests for tribes in a manner similar to services DCS provides to state IV-D agencies. See Section 2.005 H 3.

Tribal Liaisons may take limited service requests direct from tribes in their region.

DCS Tribal Liaisons manage tribal IV-D requests for other child support services.

Policy:

DCS distributes payments to tribal IV-D programs using electronic funds transfer (EFT).

Tribal IV-D programs request state IV-D services using existing intergovernmental forms.

Set up a responding tribal IV-D case on the Support Enforcement Management System (SEMS) using case type **1** (TANF) or **2** (Nonassistance), based on the referral.

Code enforcement services code **8** and use the correct tribal registry source code for the referral type:

- **12** Tribal IV-D
- **13** Tribal TANF (Temporary Assistance for Needy Families)
- **14** Tribal FC (foster care)

In the Intergovernmental type field enter **2** (Responding), and Non-US FIPS code as **TR** followed by the three digit tribal code **by using the F2 look-up in SEMS.**

Procedure:

Find the Tribe's code to enter in the **Tribal Access code** field if the tribe has an ACES SEMS Web Agreement with DCS by using the ellipsis (...) button to the right of the field.

On the custodial parent's (CP's) individual address (**IA**) screen, use address type **14** and enter the tribe's address for payment processing.

Assign **Washington tribal IV-D** cases to the [Tribal RSEO Number](#) or to the Tribal Liaison if a number does not exist.

Use the **Statewide Caseload Assignment Program (SCAP)** to assign responding jurisdiction requests from out-of-state tribal IV-D programs to RSEOs.

Visual Aids:

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

Automated Actions:

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

Forms Used: 18-624, 18-606, [18-570](#)

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 AT -08-06 Implementing Section 466(a)(14) of the Social Security Act

OCSE Tribal Resources

Guiding Principles for Tribal and State Cooperation

See Also:

8.035 Set Up, Maintenance, and Closure of Cases Referred to DCS by a Washington State Tribal IV-D Program for Federal Offset Certification Only

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

8.060 Recovering Funds Associated with Federal Offset Certification Action Owed to DCS by Tribal IV-D and IV-A Programs

13.080 Tribal IV-D Programs – General Information

13.085 Initiating Referrals to Tribal IV-D Programs

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

Previous Policy June 5, 2007

Procedures

A. What services might tribal IV-D programs request from the Division of Child Support (DCS)?

1. Full enforcement services.

2. Limited service requests as described in 45 CFR 303.7 (a)(8):
 - a. Quick locate,
 - b. Service of process,
 - c. Assistance with discovery,
 - d. Assistance with genetic testing,
 - e. Teleconferenced hearings,
 - f. Administrative reviews,
 - g. High-volume automated administrative enforcement in interstate cases per Section 466(a)(14)(B) of the Act.
 - h. Copies of court orders and payment records,
 - i. Request for other limited services (at state option). DCS provides the following limited withholding actions to Tribal IV-D programs and other State IV-D programs:
 - Unemployment Compensation (UC) or
 - Department of Labor and Industries (L&I) benefits.
3. Federal offset. See Section 8.035 for information on when a tribal IV-D program may refer a case to DCS for federal Internal Revenue Services (IRS) offset certification.

B. Who handles requests for DCS services from tribal IV-D programs?

1. **Quick Locate:** DCS Central Services staff respond to requests for Quick Locate services from tribal IV-D program staff.
 - Tribal IV-D staff may use the **Locate Referral Sheet - Tribal**, DSHS 18-624, to request this service.

Note: DCS does not open a IV-D case in order to perform this service.
2. **Federal Offset:** See Section 8.035, Section 8.040, and Section [8.060](#) for procedures.

3. UC or L&I Attachment:

- a. DCS Central Services staff process these requests when DCS does **not** have an open IV-D case.
- b. Tribal Liaisons process these requests when the tribe sends a **Child Support Enforcement Transmittal #1-Initial Request**, DSHS 18-570 asking for UC or L&I attachment **and** DCS has an open IV-D case.

Note: The Tribal Liaison may perform federal offset, UC, and L&I attachment on the same DCS case.

4. Other Services: Washington Tribal IV-D programs or out-of-state tribal IV-D programs that have agreements with DCS send a **Child Support Enforcement Transmittal #1-Initial Request** DSHS 18-570 to request all other services to the Tribal Liaison.

- a. The Tribal Liaison takes necessary action or coordinates case actions with other field offices or prosecutor offices.
- b. Actions include, but are **not** limited to:
 - i. Requests for **quick** locate,
 - ii. Attachment of UC or L&I benefits (when DCS has an open case),
 - iii. **Assistance with** genetic testing, **and**
 - iv. Paternity and child support establishment, and

5. **Requests from out-of-state tribal IV-D programs:** Unless a cooperative agreement provides otherwise, the RSEO manages out-of-state intergovernmental tribal IV-D cases. Contact Tribal Liaisons with questions.

Note: See Chapter 15 for RSEO instruction when initiating or responding to referrals with out-of-state tribal IV-D programs. This also includes the Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) cases referred to DCS for establishment and enforcement and excluded from the federal offset agreement.

C. How does DCS Central Services staff perform Quick Locate services for tribal IV-D programs?

1. Central Services staff work these requests in a manner similar to requests received from other jurisdictions.
 - They do **not** set up a IV-D case for this purpose.
2. Central Services staff manually check on-line resources and notify the tribe of a match, or that no information was found. This includes checking the following for addresses, income, assets, and employment:
 - a. IV-D and IV-A screens,
 - b. Department of Licensing (DOL),
 - c. Employment Security Department (ESD), and
 - d. Department of Corrections (DOC).

Note: DCS cannot perform more than one quick locate request every ninety (90) days on any given case.

D. How does DCS Central Services staff perform limited enforcement services for tribal IV-D programs?

- When DCS does **not** have an open IV-D case, Central Services staff perform these services for tribal IV-D programs in a manner similar to requests received from other jurisdictions.

E. How does DCS set-up a responding **Washington** tribal IV-D case?

1. Cross-reference the parties and set up a new case on the Support Enforcement System (SEMS).
2. On the basic case (**BC**) screen:
 - a. Use case type **1** for a Temporary Assistance for Needy Families (TANF) case **or** case type **2** for a nonassistance case.

- b. Code Enforcement Services as **8**.
 - c. Enter code **12** (Tribal IV-D) in the Registry Source field.
 - d. In the Intergovernmental type field enter **2** (Responding).
 - e. Enter the Non-US FIPS Code as "**TR**" followed by the three digit tribal code found using F2 look-up for the Tribe name, de-select the "Do Not Include Non-US FIPS" box.
3. Use the ellipsis (...) button to the right of the field to find the Tribe's code to enter in the **Tribal Access Code** field (if the Washington tribal IV-D program has an ACES SEMS Web Agreement with DCS).
4. Ensure the Ethnicity codes on the **BI** screens are correct.
5. On the tribal case post two addresses to the CP's **IA**:
 - a. Enter the tribe's address as follows for payment processing:

Use address type **14** (Intergovernmental payment), verification code **01** (verified).

(Tribe name) IV-D Program
Attn: (Tribal contact name)
RE: (CP's name)
Tribe's address
 - b. Enter the tribe's contact address. Use address type **11** (Intergovernmental Contact), verification Code **1** (verified).
 - c. Enter the CP's address as follows for correspondence:

Use address Type **02** (mailing), Verification Code **32** (unverified), CP's name and actual address.
6. Update the tribal and existing cases with the most current information. Contact the Tribal Liaison if you need more information to set up the tribal case. Post a **CC 76** entry and a **WB** comment on the responding tribal IV-D case and on any open DCS case to show that this is a responding tribal IV-D case.
7. If a tribal order exists, ensure the tribal code is entered in the

Tribe field of the **OR** screen.

8. Assign case to the designated employee number for the tribe or, to the Tribal Liaison if a number does **not** exist.

F. How do Tribal Liaisons respond to requests for other IV-D services?

1. When appropriate, the Tribal Liaison initiates a referral to the local Prosecuting Attorney's Office to request paternity establishment and child support establishment, depending on the request.
 - Add any relevant information to the referral. For example, note that DCS is the responding jurisdiction (RJ) for a tribal IV-D program or if both a tribal IV-D program and a Washington state county prosecutor are involved with the case. See Section 13.010 A 2.
2. For requests for DCS enforcement services, other than limited services provided by Central Services described in **B**, **C**, and **D** above, the Tribal Liaison performs necessary actions in a manner similar to those DCS provides for other states.

G. How does DCS send payments to a tribal IV-D program?

1. DCS distributes child support payments to tribal IV-D programs using electronic funds transfer (EFT).
2. Tribal IV-D Programs **must** complete an **Authorization for Receipt of Electronic Funds Transfer - Tribal Child Support Programs**, DSHS 18-606, and send to:

Division of Child Support
EFT Disbursement
PO Box 9010
Olympia, WA 90507-9010