

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

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

## Chapter 13: Tribal Enforcement

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

This section provides information regarding the coordination of services between DCS and tribal IV-D programs.

#### Contents

28 USC 1738 B Full faith and credit for child support orders

42 USC 654 (33) Cooperative child support agreements

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

45 CFR 303.7 Responding State IV-D agency responsibilities

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:

Division of Child Support (DCS) staff screen paternity establishment cases to determine if the case is included within a **Washington** tribal IV-D program.

#### Policy:

Tribal Liaisons disclose and communicate information with tribal IV-D program staff under the same authority as DCS shares information with other state IV-D program staff, using similar methods.

DCS works with the tribe to coordinate collection activities on cases referred to a tribal IV-D program.

Transfer tribal IV-D paternity establishment cases to the Tribal Liaison in the Department of Social and Health Services (DSHS) region of the tribe that is involved.

#### Procedure:

Use the **DCS and Tribe Information Change Notice**, DSHS 18-617, or the federal intergovernmental forms to communicate information with

tribal IV-D programs .

Send a **Full Collection Services Closure Letter**, DSHS 18-370A, if the CP requests case closure because he or she applied for tribal IV-D services.

**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:** 18-617, 18-370, Intergovernmental Forms

**Hearing and Conference Board Rights:**

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

**See Also:**

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-02-03 Clarifying the Applicability of the Full Faith and Credit for Child Support Act to States and Tribes  
OCSE-AT-05-07 Policy Questions and Responses to Miscellaneous Issues regarding the Tribal Child Support Program Final Rule  
OCSE Tribal Resources  
Guiding Principles for Tribal and State Cooperation

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

Previous Policy September 26, 2012

Previous Policy May 29, 2008

Previous Policy June 05, 2007

## Procedures

### A. How do I share information with tribal IV-D program staff?

- The **DCS and Tribe Information Change Notice**, DSHS 18-617, is specifically designed for the Division of Child Support (DCS) and tribes to send child support information to each other. Also, use:
  - a. Similar communication methods with tribal child support enforcement program staff as you do with other state child support enforcement staff.
  - b. Federal intergovernmental forms to communicate information.
  - c. Secure e-mail. See DCS Admin Policy 1.17 for guidance.

### B. How does DCS staff prevent new paternity establishment cases from being inadvertently sent to the Prosecuting Attorney's Office?

1. DCS staff statewide screen paternity establishment cases to determine if the case is included within the jurisdiction of a Washington tribal IV-D program.
  - a. See Section 13.085 **A**, for examples of case circumstances when DCS may refer a case to the tribe.
  - b. Contact your Tribal Liaison with questions.
2. Coordinate transfer of tribal IV-D paternity establishment cases

with the Tribal Liaison in the field office that works with the tribe.

**C. Once DCS refers a case to a tribal IV-D program, can I share new locate, income, or asset information with the tribe?**

- **Yes.** The Tribal Liaison should share new information with tribal IV-D programs as they do with other state IV-D programs. Most tribal IV-D programs do not have automated locate resources.

Note: See Section 13.070 and Chapter 22 for information on disclosure and confidentiality issues.

**D. Which child support program should attach an NCP's newly discovered off-reservation income or assets?**

1. After referring a case to a tribal IV-D program, the Tribal Liaison will work with the tribe to coordinate collection activities.
2. Good communication between programs is critical to avoid duplication of effort.

**E. Can a tribal IV-D program modify a Washington State's child support order or the arrearages owed under that order?**

1. Orders may be modified consistent with the Federal Full Faith and Credit for Child Support Orders Act (FFCCSOA).
2. Contact your Tribal Liaison, a Tribal Claims Officer, the Tribal Relations Team (TRT) or DCS Policy with questions or concerns regarding these matters.

**F. What if DCS receives a written request from a custodial parent (CP) asking us to close a nonassistance case because the CP applied for tribal IV-D services?**

1. Send the **Full Collection Services Closure Letter**, DSHS 18-370A.

- a. Check box **2** and **1**, and write "You are receiving child support services from the (list name) Tribe and requested that DCS close your case. If you have questions, contact the (list name) Tribe."
    - If there are DSHS arrears owing on the case, **add** "DCS will continue to collect any arrears owed to the state."
  - b. Send a copy to the noncustodial parent (NCP).
2. If there are DSHS arrears:
- a. Remove current support and nonassistance arrears from the case financial (**CF**) screen.
  - b. Change **Type** to **0** and update the **Subro** field, on the basic case (**BC**) screen.
  - c. Send a referral to the Tribe if appropriate.
  - d. Coordinate collection activities with the Tribe.
3. If there are **no** DSHS arrears, close the case.
- a. Use closure code **49**.
  - b. Do not wait sixty (60) days, it is not necessary.
  - c. See Section 18.035 for closure code 49.

**G. What do I do if an initiating jurisdiction seeks DCS services, but a Washington tribal IV-D program is a more appropriate forum?**

- Within 10 working days of locating the NCP in the tribal IV-D jurisdiction contact the initiating jurisdiction and determine which of the following procedures they prefer:
  - a. Return the forms, documentation and new location to the initiating agency and request closure, **or**
  - b. If directed by the initiating agency, forward the forms and documentation to the Washington tribal IV-D program.

**Note:** Consult your Tribal Liaison before taking action.

Revised September 10, 2015