

Policy 7.01 Implementation Plan and Progress Report

Timeframe: July 1, 2022 through June 30, 2023

Updated 3/31/2022

Administration/Division: ESA/Div. of Child Support Region/Office: DCS Headquarters

Tribal IV-D Programs: (Lummi, Nooksack, Tulalip, Suquamish, Port Gamble S’Klallam, Puyallup, Quinault, Colville)

Plan and Progress Report Due Dates: April 1 (Regional Plan submitted to Assistant Secretary) and April 30 (Assistant Secretary Plan submitted to OIP) of each year.

Tribal Sovereignty Statement. Treaty, constitution, child support policy statement. [Optional, for each Tribe to determine.]

DSHS Administrative Policy 7.01 Tribal Sovereignty: Federal law recognizes Federally Recognized Tribes as possessing sovereignty over their members and their territory. The Code of Federal Regulations (CFR) for the Bureau of Indian Affairs identifies territory as the Service Area and the CFR for the Indian Health Services defines territory as the Contract Health Services Delivery Area. Sovereignty means that tribes have the legislative, executive and judicial power to make and enforce laws, and to establish courts and other forums for resolution of disputes.

Administrative Policy No. 7.01 Highlights

Background

The Department of Social and Health Services (DSHS) follows a government-to-government approach to seek consultation and participation by representatives of tribal governments in policy development and service program activities. This is in compliance with Chapter 43.376 RCW, the Washington State 1989 Centennial Accord and current federal Indian policy as outlined by Executive Order #13175, and the Presidential Memorandum on Tribal Consultation signed by President Obama in November 2009, which promotes government-to-government relationships with American Indian Tribes.

Scope

This policy applies to all DSHS programs and employees. DSHS administrators and regional program managers who oversee contracted services are also responsible for implementing this policy in the planning and delivery of contracted services by incorporating the appropriate language into the contracts.

Policy

DSHS shall acknowledge and consider the opportunity for Federally Recognized Tribes’ involvement and consultation in, but not limited to, the Department plans, budgets, policies, program services (including those provided by contractors and grantees), operational procedures, federal waivers or exemptions to State plans that affect American Indian people.

Implementation Plan – IV-D Directors Level				Progress Report
<p>Policy Identification: Provide Tribes with meaningful opportunities for involvement and consultation in the development of state child support related legislation, divisional plans, budgets, policies, program services, contracted services including services provided under contract with ESA/DCS, operational procedures, federal waivers or exemptions to state plans that affect American Indian people.</p>				
Goals/Objectives	Activities	Expected Outcome	Lead Staff and Target Date	Status Update
<p>a. Legislation development and tracking</p>	<p>DCS will share updates regarding legislation.</p>	<p>Tribal Directors are able to provide input.</p>	<p>DCS: Jake Hughes, Brittiny Considine</p> <p>Tribes: IV-D Directors</p> <p>Target date: As they occur</p>	<p>For the 2022 Legislative session, DCS submitted NO request legislation.</p> <p>DCS is beginning to plan for the 2023 legislative session and has asked for staff and partner input on possible topics.</p>

<p>b. Sharing of DCS Plans affecting child support</p>	<p>Activities</p> <p>DCS will share strategic plans and DCS plans affecting tribal child support.</p> <p>Tribal Directors will share tribal trends and update DCS on federal issues they are working on that may have a child support impact.</p>	<p>Expected Outcome</p> <p>The sharing of plans, trends, and proposals will help improve the exchange of information between the child support programs, and allow DCS to better support tribal child support issues being discussed on a statewide and national level.</p>	<p>Lead Staff and Target Date</p> <p>DCS: Sharon Redmond, TRT</p> <p>Tribes: IV-D Directors</p> <p>Target Date: Every 6 months at Directors meeting.</p>	<p>Status Update</p> <p>DCS’s strategic plans and projects are shared via periodic group emails, through the IPAC and ESA Subcommittee meetings, as well as regional 7.01 meetings.</p> <p>DCS is seeking to better support tribal partners – especially in areas where tribes rely on the state’s ability to provide services otherwise not available to tribes (such as federal offset).</p> <p>The Governor’s Office of Indian Affairs (GOIA) is working to improve information-sharing between the state and tribes. More to come as this important activity continues.</p>
<p>c. Share Policy development and amendments.</p>	<p>Activities</p> <p>DCS will continue to share proposed changes to policy, RCWs and WACs .</p>	<p>Expected Outcome</p> <p>Tribal IV-D Directors will have an opportunity to provide meaningful input.</p>	<p>Lead Staff and Target Date</p> <p>DCS: Jake Hughes, Brittiny Considine, TRT</p> <p>Tribes: IV-D Directors</p> <p>Target Date: As they occur.</p>	<p>Status Update</p> <p>DCS’s policy updates are shared as needed/requested via group emails, through IPAC and ESA Subcommittee meetings, as well as at regional 7.01 meetings.</p> <p>The IPAC and ESA subcommittee meeting structure continues to adapt with the Governor’s and Tribal Leaders’ Social Services Council (GTLSSC) meetings group. DCS will also work at those levels to provide partners with information.</p>

d. Budget	Activities	Expected Outcome	Lead Staff and Target Date	Status Update
e. DCS Organizational Chart Review	DCS will share organizational charts with Tribal IV-D Directors.	Tribal IV-D Directors become familiar with DCS organizational structure, reporting relationships, staff and resources. Tribal Directors are aware when change occurs.	DCS: Sharon Redmond , TRT Tribes: IV-D Directors Target Date: As	Updated version provided March 2022.
f. Program service issues	a. Tracking Conference Board requests on tribal cases.	Ensure Tribes are aware of the number and types of conference board issues being requested.	DCS: TRT Target Date: Report every 6 months	DCS's Christelle Arnett presented the latest Conference Board and Inappropriate Referrals report to each program, and provided a brief overview during the meeting.

	b. Tracking and troubleshooting improper Coding on tribal cases.	Reduce the number of tribal cases without proper tribal coding. Train staff how to identify tribal connections.	DCS: TRT Target Date: Report every 6 months	Status Update
	c. Tracking and troubleshooting Improper Referrals on tribal cases.	Reduce the number of tribal referrals sent to the wrong employee or office. Notify and train staff to take appropriate actions.	DCS: TRT Target Date: Report every 6 months	Status Update
	d. Tracking and troubleshooting improper Direct Withholds to Tribal Employers.	Reduce/eliminate the number of inappropriate withholding notices sent to tribal employers. Train staff how to identify tribal employers.	DCS: TRT Target Date: Report every 6 months	Status Update
	e. Credit Reporting	Pilot a process where DCS would not report to the credit bureau cases that have been newly-initiated to the tribe, and will work with participating tribes to identify and refine pilot and tracking criteria. Tribes will track the impact of not reporting debt to the credit bureau.	DCS: TRT & Policy Target Date: at next Directors meeting	Status Update DCS and participating tribes are moving closer to kicking-off this pilot project. The pilot is likely to be active for at least 1 year, and tribes have been collaborating on ways they can work with their customers to evaluate pilot success. Cases involving tribal employment (non-tribal members who are working for a tribal business) cannot be included in the pilot due to the potential for the employee to separate from tribal employment. Cases where DCS is the <i>responding</i> jurisdiction and the party(ies) also have other intergovernmental cases

				<p>shared by the tribe and DCS - and that will be included in the pilot - are still being discussed for inclusion. DCS and interested tribes will meet again (date TBD) to discuss.</p> <p>DCS (Chris) will also be sharing updated SEMS caseload data showing credit-reported status with the pilot tribes.</p>
	g. Right-sized orders	Ensure Tribes are updated regarding on-going workgroup activities.	<p>DCS: Jake Hughes, Brittiny Considine</p> <p>Target Date: at next Directors meeting</p>	<p>Status Update</p> <p>In addition to the other efforts of its right-sized orders project, DCS has been using human-centered design principles to improve the modification process. DCS is still using case information and recognizing the parent’s ability to earn when establishing an appropriate obligation amount. DCS has found that parents engaged with the child support process make more regular payments for their child(ren).</p>
h. State plan waivers and exemptions	<p>Activities</p> <p>DCS will provide updates as available regarding new federal requirements.</p>	<p>Expected Outcome</p> <p>Tribes will be kept informed and more aware of changes on a regular basis.</p>	<p>Lead Staff and Target Date</p> <p>DCS: Brittiny Considine</p> <p>Target Date: as changes occur.</p>	<p>Status Update</p> <p>This topic was not discussed, and no new requirements affecting DCS/tribal cases were mentioned at the last meeting.</p>

<p>i. Other State/Tribal Issues and Concerns</p>	<p>Activities</p> <p>Directors will share and discuss new items and concerns to the State and Tribes.</p> <p>Tribes are interested in options available to them for paternity/parentage establishment when parents aren't participating with the process. Would, for example, a Prosecuting Attorney's office agree to only establish paternity and then refer the case back to a Tribe for the entry of the child support order?</p>	<p>Expected Outcome</p> <p>State and Tribal Directors are aware of current issues</p> <p>Tribes can receive assistance from DCS and/or county Prosecutors as needed, and in ways that recognize and respect the Tribe's jurisdiction</p>	<p>Lead Staff and Target Date</p> <p>DCS: Sharon Redmond, TRT, OIP</p> <p>Tribes: IV-D Directors</p> <p>Target Date: at next Directors meeting.</p>	<p>Status Update</p> <p>Tribes can also face challenges in the paternity establishment process if the parent won't provide a DNA sample or show up for the DNA test appointment. Tribes retain jurisdiction to enter an Order, however.</p> <p>Some Tribal Courts and programs are still grappling with this issue. DCS can coordinate further discussion if requested. For issues that arise, due to their established relationships with Tribal counterparts, DCS Tribal Liaisons will continue to be the first point-of contact, and then TRT and DCS's Serena Hart can be looped in as necessary.</p>
<p>j. Modification Letters</p>	<p>Activities</p> <p>DCS is working to "plain talk" the 18-566 (Notice of Right To Request a Review for Modification) form to make it more easily understandable to customers</p> <p>DCS Policy and Tribal Relations staff will consult tribal IV-D program staff for suggestions and edits</p> <p>Tribes have advised the form information is not always accurate for parties with orders from tribal jurisdictions, and have asked that the form better guide parties with tribal orders.</p>	<p>Expected Outcome</p> <p>DCS will produce a Notice of Right To Request a Review for Modification (18-566) form that properly informs parents of the process(es) necessary to review state and tribal orders that meet modification criteria. DCS documentation will clearly direct parents with tribal orders to consult the tribal jurisdiction.</p>	<p>Lead Staff and Target Date</p> <p>DCS: Chris Franks, Brittiny Considine</p> <p>Tribes: IV-D Directors</p> <p>Target Date: at next Directors meeting.</p>	<p>Status Update</p> <p>DCS Policy staff are working on more language and formatting edits to the "Notice and Right to Request a Review for Modification" form (18-566) that DCS is required to send to customers whose cases meet criteria. Currently the draft version is just over 1 page in length, and Brittiny explained their goal is get the information down to a single page – while still effectively informing parents of the modification process for their order.</p> <p>DCS is researching possible collaboration methods (DSHS Huddle, document-sharing, etc.) to include</p>

				interested tribal participants on the form edits.
Completed Items				
Goal/objective:	Activities	Expected Outcome	Lead Staff	
Locate Requests and Limited Service Requests	Informal inquiries are made and intergovernmental referral documentation is provided when necessary	Tribes and DCS share information regarding physical whereabouts, assets, employment or other income that could aid or enhance child support collections and case management	DCS: TRT Target Date: at next Directors' meeting	4/13/21 - This topic was moved to this "Completed" section as there have no significant issues or delays in locate or limited-services requests in quite some time. If this becomes an issue again, this item will be reinstated as a Plan goal/objective.
Budget updates (moved to Completed section on 3/8/22)	DCS will provide training and share information regarding federal match issues, and how it works for the State vs. Tribes.	Tribal IV-Directors will have a better understanding of the process when negotiating with the Feds.	DCS: Sharon Redmond Tribes: IV-D Directors Target Date: Next Directors' meeting.	DCS's Business Services Administrator Loan Tran presented a state-level Federal Match overview to Tribal IV-D Directors in February 2021. Meeting minutes were also shared with the Directors. Several tribes expressed their appreciation for the presentation and explanation of this complex process.

<p>Program service issues (moved to Completed section on 3/8/22)</p>	<ul style="list-style-type: none"> Working with Prosecutors Discuss case closure when NCP income is from SSI only or DCS is providing Payment Services Only (PSO). Consult with tribal partners when continuation-of-services are being considered following foster care. 	<p>State and county court and Prosecutor's office staff will have increased awareness of individual tribal court/IV-D actions and jurisdiction.</p> <p>Better communication between state and tribal staff is also expected.</p> <p>Ensure Tribes are updated on any policy changes.</p>	<p>DCS: Chris Franks, Serena Hart</p> <p>Tribes: All</p> <p>Target date:</p> <p>DCS: Jake Hughes, Brittiny Considine</p> <p>Target Date: at next Directors meeting</p>	<p>DCS's Serena Hart and Sharon Redmond have been in contact with Washington Assn. of Prosecuting Attorneys (WAPA)'s Mike Addams about training or opportunities to discuss Tribal issues with Pros staff. The next WAPA conference is in May 2022 and several tribal-themed sessions have been scheduled. WAPA is also working with the Port Gamble S'Klallam Tribe on these training sessions.</p> <p>DCS has been consulting with tribal partners when the NCP's only income is Supplemental Security Income (SSI) and DCS is reviewing for case closure. DCS field office staff also discuss with tribal IV-D staff continuation-of-services when state TANF or FC ends. There have been no new reported issues.</p>
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<p>Prosecutor contracts / Admin. Policy 7.01 compliance</p>	<p>DCS will share a sample of the Inter-local Agreement.</p> <p>Tribal Liaisons are able to identify cases as appropriate and refer those to tribal programs instead of county Pros offices.</p> <p>Tribes are facilitating tribal training at the WAPA conference in May 2022.</p>	<p>To ensure DCS agreements with statewide prosecutors are in alignment with GT&C, and compliant with Administrative Policy 7.01 requirements.</p>	<p>DCS: Sharon Redmond</p> <p>Tribes: IV-D Directors</p> <p>Target Date: at next meeting</p>	<p>3/8/22 - A sample Agreement (with WA's Adams County) was included in the Sept. 2021 meeting materials. With few exceptions, agreements with county Prosecutors are identical.</p> <p>Assistant Attorneys General used to represent DCS in legal proceedings but local agreements were negotiated with Prosecuting Attorneys when the AG's office downsized. The local agreements have not been reviewed in some years as DCS has been satisfied with the services provided, and reopening agreements for negotiation can lead to unintended consequences.</p>
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