

IN THE SUPREME COURT OF THE STATE OF ALASKA

State of Alaska, Patrick S. Galvin,
in his official capacity as the
Commissioner of the Alaska
Department of Revenue and John
Mallonee, in his official capacity of
Director of the Alaska Child Support
Services Division,

Appellants,

v.

Central Council of Tlingit and Haida
Indian Tribes of Alaska, on its own
behalf and as parens patriae on
behalf of its members,

Appellee.

Supreme Court No. S-14935

Superior Ct. 1JU-10-00376 CI

On Appeal from the Judgment of the Superior Court
State of Alaska, First Judicial District
The Honorable Philip Pallenberg, Judge

BRIEF OF AMICUS CURIAE
NATIONAL ASSOCIATION OF TRIBAL CHILD SUPPORT DIRECTORS



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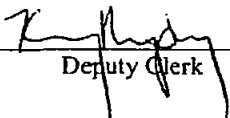
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INTEREST OF AMICUS CURIAE

Amicus National Association of Tribal Child Support Directors (NATCSD) is a professional membership organization comprised of the directors of over forty tribal child support programs throughout the United States. NATCSD was formed in 2005 as a means for its members to address a variety of common issues, including those related to program administration, federal regulations, and tribal-state relationships. All NATCSD members manage child support programs operated by federally recognized tribes.¹ NATCSD's organizational mission embraces the federal Office of Child Support Enforcement's (OCSE) directive that state and tribal child support programs should be partners that work together to address the financial, emotional, and physical needs of children.²

NATCSD's interest here is to ensure that Alaska, like its sister states, fulfills its obligations under federal law and treats all Native children equally, regardless of where they reside or who their parents are. NATCSD is also concerned that Alaska's refusal to acknowledge tribal child support orders undermines the partnerships that its members have built with other states in implementing Title IV-D of the Social Security Act.

¹ Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 79 Fed. Reg. 4,748 (Jan. 29, 2014) (listing federally recognized tribes).

² OFFICE OF CHILD SUPPORT ENFORCEMENT, NATIONAL CHILD SUPPORT STRATEGIC PLAN FY 2010-2014 4 (April 2013) (describing that state and tribal child support agencies "must work together in partnership to achieve results" for families and children).

INTRODUCTION AND SUMMARY OF ARGUMENT

Amicus NATCSD agrees with Appellees that the appropriate starting point for any tribal jurisdictional analysis is whether a tribe's inherent sovereign authority has been expressly *limited*, not whether it has been *bestowed*.³ As this Court recognized fifteen years ago in *John v. Baker* and reiterated recently in *State v. Native Village of Tanana*, tribes retain those fundamental attributes of sovereignty that have not been divested by Congress.⁴ Because the "adjudication of child custody disputes over member children" is one of the most fundamental attributes of tribal sovereignty, "tribal courts require no express congressional delegation of the right to determine custody of tribal children."⁵ Congress has not divested tribes of their authority to adjudicate custody disputes and corresponding child support obligations. To the contrary, it has provided federal funds for tribes to develop and operate child support programs for the benefit of their member children.⁶

³ *Native Village of Venetie I.R.A. Council v. Alaska*, 944 F.2d 548, 556 (9th Cir. 1991). See also *United States v. Wheeler*, 435 U.S. 313, 323 (1978) ("[U]ntil Congress acts, the tribes retain their existing sovereign powers.").

⁴ *State v. Native Village of Tanana*, 249 P.3d 734, 750 (Alaska 2011) (citing *John v. Baker (John I)*, 982 P.2d 738, 751 (Alaska 1999)).

⁵ *John I*, 982 P.2d at 752.

⁶ Funding for the child support enforcement programs for federally recognized tribes and tribal organizations was authorized by the Social Security Act. 42 U.S.C. § 455(f) ("Title IV-D"), as amended 42 U.S.C. § 651. See also, Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, 110 Stat. 2105 (1996).

Because Appellee Central Council of Tlingit and Haida Indian Tribes of Alaska comprehensively addresses the proper jurisdictional analysis regarding tribal authority over member children, Amicus need not repeat such arguments here. Rather, Amicus respectfully submits this brief to address the Appellant State of Alaska's (State's) arguments regarding the administrative responsibilities that the Child Support Services Division (CSSD) would allegedly encounter if required to recognize tribal child support orders. App. Br. at 17-28.

The State's apprehensions about working with Alaska's tribes on child support matters ring hollow given that the alleged administrative responsibilities: (1) do not exempt the State from complying with federal law; and (2) have already been noted and addressed in federal regulations and technical assistance materials from OCSE. Finally, the State can use a variety of sister states' resources and experiences as a roadmap for working with tribes toward building and maintaining a strong state-tribal relationship for the benefit of all Alaska's children.

ARGUMENT

I. THE ALLEGED ADMINISTRATIVE RESPONSIBILITIES DESCRIBED BY THE STATE DO NOT EXEMPT THE STATE FROM COMPLYING WITH FEDERAL LAW.

Federal regulations require all state child support programs to extend the full range of services available under its IV-D program to tribal child support agencies.⁷ As OCSE frequently reminds states:

⁷ 45 C.F.R. § 302.36(a)(2).

While every state may not have a tribe within its borders, tribal child support programs and state child support programs will surely intersect and will have occasion to work together. Given that, state child support programs are reminded of the state plan requirement to cooperate with tribal child support programs and to extend the full range of services available under state child support plans.⁸

As of March 2014, federally funded tribal child support programs operate in eighteen states: Alaska, Arizona, California, Idaho, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, and Wyoming.⁹ Alaska is the only state in the nation that categorically refuses to recognize tribal child support orders.¹⁰

⁸ Office of Child Support Enforcement, Dear Colleague Letter 10-12, Tribal Child Support Enforcement Programs (July 10, 2010), *available at* <http://www.acf.hhs.gov/programs/css/resource/tribal-child-support-enforcement-programs>; Office of Child Support Enforcement, Dear Colleague Letter 08-40, Welcome to Northern Arapaho, Klamath, Mescalero Apache, and Nooksack Indian Tribes (Oct. 28, 2008), *available at* <http://www.acf.hhs.gov/programs/css/resource/welcome-to-northern-arapaho-klamath-mescalero-apache-and-nooksack-tribes> (nearly identical language).

⁹ The IV-D tribal child support program grows each year. To date there are fifty-one tribal IV-D programs nationwide and ten new tribal start up grantees. OCSE provides an up to date list of all state and tribal programs, *available at* <http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts>.

¹⁰ OCSE maintains an Intergovernmental Reference Guide (IRG) and requires each state to explain the extent to which it works with tribes. Every state which is home to a federally funded IV-D tribal child support program has provided a description about its relationships with its tribes, including reciprocity agreements with tribal courts, Memoranda of Understanding and Memoranda of Agreement with tribes, or stated full compliance with UIFSA and the Full Faith and Credit for Child Support Orders Act for tribal court orders. Alaska has reported no relationship with any Alaska tribe. OFFICE OF CHILD SUPPORT ENFORCEMENT, INTERGOVERNMENTAL REFERENCE GUIDE, *available at* <http://www.acf.hhs.gov/programs/css/irg-state-map>.

II. THE STATE'S ALLEGED ADMINISTRATIVE RESPONSIBILITIES ARE ALREADY ADDRESSED BY EXISTING FEDERAL REGULATIONS AND TECHNICAL ASSISTANCE MATERIALS FROM OCSE.

As a preliminary matter, the fact that a federal law imposes administrative responsibilities does not exempt a state from implementing that law.¹¹ Further, as described below, the administrative responsibilities the State alleges it *might* encounter by honoring tribal child support orders are based on the faulty premise that the State would have to recreate the wheel. App. Br. at 17-28. The State's argument ignores the fact that: (1) the OCSE already exists to assist the State with any issues it has with facilitating state-tribal partnerships; (2) the State's examples of possible coordination problems between CSSD and Appellee's child support program have already been addressed in federal regulations and extensive written guidance from OCSE; and (3) a wide variety of resources explaining how to work cooperatively and effectively with tribal child support programs are readily available to the State.

A. OCSE provides routine technical assistance to states, including policy clarifications, trainings, and other support regarding working with tribal programs.

¹¹ *E.g.*, *Alaska Civil Liberties Union v. State*, 122 P.3d 781, 791-92 (Alaska 2005) (holding that while there is a legitimate governmental interest in efficiency, agency arguments about "the potential administrative difficulties that could arise" were unpersuasive given that many other states had overcome these same concerns: "The availability of these benefits elsewhere persuades us that administrative difficulties are not an insurmountable barrier" for the State); *Alaska Pub. Employees Ass'n v. Fairbanks*, 753 P.2d 725, 728 n.6 (Alaska 1998) (holding that arguments that a statute "'leads to too many problems,' is a matter for the [Alaska] legislature, not this court") (citing *B.J.B.A. v. M.J.B.*, 620 P.2d 652, 655 (Alaska 1980); *State v. Campbell*, 536 P.2d 105, 111 (Alaska 1975) (constitutionally decreed separation of powers prohibits the court from redrafting legislation). *See also*, U.S. CONST. art. VI.

OCSE is responsible for the oversight of state and tribal IV-D child support programs. OCSE's Central Office staff assists state and tribal child support agencies to develop, manage, and operate their programs effectively in accordance with federal law.¹² In addition, OCSE's ten regional offices work directly with states and tribal child support programs to provide individualized guidance, technical assistance, policy clarifications, trainings, and support.¹³ Alaska's State and tribal child support programs are in OCSE's Region 10, along with Oregon, Washington, and Idaho. OCSE Region 10 hosts regular meetings to allow these four state's child support programs to meet with tribal programs to build partnerships, discuss best practices, and address jurisdictional issues.¹⁴

Although enforcement issues occasionally arise between state and tribal programs, OCSE's mission is to provide technical assistance to resolve any such issues.¹⁵ Failing to take advantage of the technical assistance offered by OCSE does not excuse the State from complying with the federal directive to recognize tribal child support orders.

¹² Office of Child Support Enforcement, Services OCSE Provides, <http://www.acf.hhs.gov/programs/css/about/services-ocsp-provides>.

¹³ CARMEN SOLOMON-FEARS, CONGRESSIONAL RESEARCH SERVICE, CHILD SUPPORT ENFORCEMENT: TRIBAL PROGRAMS 8 (Aug. 3, 2012).

¹⁴ See, e.g., App. 4, 8, 31 (Region 10 meeting information from 2007, 2008, and 2012).

¹⁵ For example, the regulations that established criteria for states to follow in determining how and when to close a child support case were recently re-written "to encourage efficient case transfers to tribal programs and otherwise facilitate interaction between states and tribes for the effective delivery of child support services to families." Office of Child Support Enforcement, Dear Colleague Letter 11-07, Notification of Written Consultation Concerning State Requirements (April 28, 2011), *available at* <http://www.acf.hhs.gov/programs/css/resource/dear-tribal-leader-letter-april-28-2011>.

B. Federal regulations and guidance from OCSE have already addressed the State's concerns regarding coordination with tribal child support programs.

Existing federal regulations and OCSE's extensive written guidance provides ample guidance to the State on working with tribal child support programs.¹⁶

The present practical and administrative difficulties articulated by the State are reminiscent of those once used to hinder state-to-state relations and recognition of child support orders. The lack of reciprocity in enforcement, service of process problems, and poor communication between states were reasons that Congress required states to adopt the Uniform Interstate Family Support Act (UIFSA).¹⁷

1. Tribes have the authority to order noncash support payments and federal regulations instruct states on how to recognize those payments.

The State argues that acknowledging tribal child support orders would cause procedural difficulties because tribes can "order payment with in-kind goods and services instead of money," and thus would be unenforceable in the State system. App. Br. at 20. But, federal regulations already resolve this issue. Specifically, the regulations provide that where tribal support orders impose noncash forms of payment those orders include a specific dollar valuation for the noncash support obligation.¹⁸ Doing so enables states to

¹⁶ For example, OCSE materials include: Dear Colleague Letters, Tribal Policy Interpretation Questions, Action Transmittals, and Information Memoranda.

¹⁷ Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), 42 U.S.C. § 666(f); AS 25.25.101 *et seq.*

¹⁸ 45 C.F.R. § 309.105(a)(3); Tribal Child Support Enforcement Programs, Final Rule, 69 Fed. Reg. 16,638, 16,659 (March 30, 2004). For example, a tribal child support order could provide that a non-custodial parent owes \$200 a month, which may be

process tribal child support orders of noncash payments through their automated systems.¹⁹

Tribes have the authority to impose culturally-appropriate noncash support payments to satisfy child support obligations.²⁰ Comments submitted to OCSE on the proposed final rule governing tribal child support programs highlighted that many Native communities are located in remote areas with limited opportunities for cash employment. In drafting the final rule, OCSE accommodated “the long-standing recognition” among tribes that all resources that contribute to the support of children should be recognized and valued.²¹ Federal regulations define noncash support as support that is “provided to a

satisfied with firewood for the custodial parent’s home. The tribal order could provide that a cord of firewood has a value of \$100 and therefore the non-custodial parent would satisfy his or her support obligation by providing two cords of firewood every month. SOLOMON-FEARS, CHILD SUPPORT ENFORCEMENT: TRIBAL PROGRAMS at 38.

¹⁹ *Id.* Furthermore, in 2005 OCSE published a series of questions and answers to assist “tribes and states as they begin to work cooperatively on the delivery of child support enforcement services.” Office of Child Support Enforcement, PIQT-05-02, Applicability of 45 CFR Part 303 to Tribal IV-D Programs, Jurisdiction, and Cooperation with State IV-D Programs (April 26, 2005), available at <http://www.acf.hhs.gov/programs/css/resource/applicability-of-45-cfr-part-303-to-tribal-iv-d-programs>. OCSE noted that when a tribal child support agency referred a case to a state for enforcement, the state program was not limited to utilizing only those enforcement services that were provided for under tribal law and that “state programs determine appropriate enforcement when enforcing an order referred from another jurisdiction.” *Id.* at Question 9 & Response 9.

²⁰ 45 C.F.R. § 309.105(a)(3). Under federal regulations, noncash payments may not be used to satisfy assigned support obligations such as TANF cash benefits. 45 C.F.R. § 309.105.

²¹ 69 Fed. Reg. at 16,658.

family in the nature of goods and/or services, rather than in cash, but which, nonetheless, has a certain and specific dollar value.”²²

2. The State’s “uniformity” arguments are not supported by law or fact.

The State argues that child support orders from sister states provide “some degree of uniformity” because the inter-state system includes “the opportunity to mutually address cross-jurisdictional problems.” App. Br. at 20. Tribal courts are different, according to the State, because “CSSD has no authority to file motions in tribal court, a completely separate and distinct sovereign.” *Id.*

As a preliminary matter, the fact that a tribal child support order may not be “uniform” to state standards does not matter; under federal law, tribal child support programs need not adopt state laws, procedures, or guidelines, or performance standards.²³ This is consistent with foundational federal law and decisions of this Court

²² 45 C.F.R. § 309.05. The non-cash support must directly contribute to the needs of a child, such as “making repairs to automobiles or a home, the clearing or upkeep of property, providing a means for travel, or providing needed resources for a child’s participation in Tribal customs and practices.” 69 Fed. Reg. at 16,659. *See, e.g.,* Nez Perce Tribe Child Support Enforcement Program, Frequently Asked Questions (The “in-kind policy is based upon the Nez Perce Tribe’s culture, traditions and customs” and “in-kind can be providing wood, fish & game meat, roots & berries, providing day care, car or home repairs, tutoring or volunteering at the child’s school, transportation to child’s activities, powwow regalia, teaching treaty skills or cultural knowledge, and teaching Nimiipuu-timpt,” the Nez Perce language), *available at* <http://www.nezperce.org/official/mainpages/CSEP/faq.html>.

²³ 45 C.F.R. §§ 309.65(a)(14), 309.90; Office of Child Support Enforcement, PIQT-05-02, Applicability of 45 C.F.R. Part 303 to Tribal IV-D Programs, Jurisdiction, and Cooperation with State IV-D Programs at Questions 1-5.

recognizing that it is entirely appropriate for tribal justice systems to employ traditional laws and procedures.²⁴

The State's uniformity arguments appeared previously in its *Tanana* briefing.²⁵ Yet it remains equally unclear now, as it did in *Tanana*, why the State is unable to communicate with a tribe in the manner it does with a sister state. States and tribes are partners in what OCSE refers to as "the National Child Support family."²⁶ As early as April 2005, OCSE assured state child support programs that it would work with states to "facilitate state and tribal collaboration, including the development of case transfer, case closure, and debt review protocols."²⁷ In April 2013, OCSE reaffirmed its commitment to work with states and tribes to "eliminate barriers associated with intergovernmental cases," including "develop[ing] effective and streamlined protocols for intergovernmental case processing" and improving and increasing "data sharing of case information across

²⁴ Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301 *et seq.*; *Santa Clara Pueblo v. Martinez*, 436 U.S. 39, 59-60 (1978) (discussing a tribe's "ability to maintain itself as a culturally and politically distinct entity"); *John I*, 982 P.2d at 761 ("[T]ribes must be able to apply their tribal law to [] disputes. Thus, tribal sovereignty over issues like family relations includes the right to enforce tribal law in resolving disputes."); *John v. Baker (John II)*, 30 P.3d 68, 74-75 (Alaska 2001) (recognizing that tribal courts are not required to mimic state record keeping practices or court room procedures).

²⁵ Brief of Appellant State of Alaska at 44, 46, *State v. Native Village of Tanana*, 249 P.3d 734 (Alaska 2011) (No. S-13332).

²⁶ Office of Child Support Enforcement, Dear Colleague Letter 13-07, Tribal Child Support Programs, (April 9, 2013) (addressed to all State and Tribal IV-D Directors and welcoming new tribal child support programs to the "National Child Support family), available at <http://www.acf.hhs.gov/programs/css/resource/tribal-child-support-programs>.

²⁷ OFFICE OF CHILD SUPPORT ENFORCEMENT, NATIONAL CHILD SUPPORT STRATEGIC PLAN 2010-2014 at 11.

state and tribal jurisdictions.”²⁸ OCSE has repeatedly stressed that “states and tribes must work together,”²⁹ and to that end OCSE Region 10 hosts annual meetings where the State can meet directly with Alaska’s IV-D tribal child support programs.

3. Other states’ experiences provide Alaska with roadmaps for working with all tribal child support programs.

The State argues that child support orders from tribes who do not run IV-D programs will negatively affect its ability to maintain its own child support program, including its registry of child support orders. App. Br. at 17-18, 24-25. This argument, however, ignores that other states with large numbers of tribes have successfully navigated this issue for years.

States have built relationships with tribes in various ways. For example, Montana has a formal process for establishing cooperative agreements or memoranda of understanding with tribes, including tribes without IV-D programs.³⁰ Idaho has a similar approach and communicates with its tribal child support programs on a daily basis.³¹

²⁸ *Id.*

²⁹ Office of Child Support Enforcement, PIQT-05-02, Applicability of 45 CRF Part 303 to Tribal IV-D Programs, Jurisdiction, and Cooperation with State IV-D Programs at Response 9 (“We urge states and tribes to work closely to provide the appropriate child support services.”).

³⁰ STATE OF MONTANA, TRIBAL RELATIONS HANDBOOK: A GUIDE FOR STATE EMPLOYEES ON PRESERVING THE STATE-TRIBAL RELATIONSHIP (Dec. 2011) (describing the “[f]ull faith and credit for tribal court child custody and child support orders,” and “[c]ooperative agreements to enforce child support orders” as “important state statutes which encourage State-Tribal cooperation”) available at http://tribalnations.mt.gov/docs/Tribal_Relations_Handbook.pdf.

³¹ App. 44; *see also* Idaho Department of Health & Welfare, When the Other Parent Lives Out-of-State (“Native American Indian Tribes throughout the United States have also established Child Support agencies that are recognized as official Child Support

Other states, like Wisconsin and Oklahoma, have codified their recognition of tribal child support orders in their state statutes or administrative codes.³² Utah has used partnerships, government-to-government consultation, and legislative action to develop and strengthen its relationship with tribal child support programs.³³

Other states have been even more proactive in honoring their obligation to work with tribal child support programs by initiating relationships with tribes rather than waiting for an enforcement request. For example, over a decade ago, the North Dakota Department of Human Services reached out to all tribes within its borders to offer its assistance.³⁴ In Oregon, the Division of Child Support “assigned [staff] to work with each Oregon Tribe to obtain intergovernmental agreements and establish procedures for the use of tribal courts to establish and enforce child support obligations that are under tribal jurisdiction.”³⁵ Washington has twenty-nine tribes within its borders. Its Division

agencies, the same as other States and Countries. Child support agencies in other states and tribes work together with Idaho Child Support to provide services for children.”), <http://www.healthandwelfare.idaho.gov/Children/ChildSupport/ParentsInOtherStates/tabid/366/Default.aspx>.

³² WIS. STAT. § 49.475, § 801.54. OKLA. ADMIN. CODE § 340:25-5-124.2. *See also* MONT. CODE ANN. § 40-7-135(2), § 40-5-103(20), §40-5-264.

³³ Press Release, Navajo Nation, Navajo Vice President Ben Shelly thanks Utah Governor Jon Huntsman for supporting state-tribal child support enforcement efforts (July 9, 2009), (describing cooperative efforts), App. 26.

³⁴ Press Release, N.D. Dep’t. of Human Servs., North Dakota Department of Human Services and Three Affiliated Tribes sign historic agreement to cooperate on providing child support enforcement services (April 19, 2007) (“The N.D. Department of Human Services had invited Tribal officials to Bismarck and said they were willing to work with all of the Tribes if they wanted to establish their own programs.”), App. 2.

³⁵ Oregon Child Support Program, Tribal Resources (Division of Child Support contact “also assist with Tribal TANF and Tribal IV-D programs in Oregon, provide

of Child Support began partnering with tribes on child support issues beginning in 1987.³⁶ Washington has a State Tribal Relations Team that leads its efforts to partner with tribes,³⁷ including employees in each field office who are assigned to work with tribes in their region.³⁸ The Washington Division of Child Support has an entire chapter of its internal Policy Handbook dedicated to assisting its employees with their efforts to partner with tribal child support programs.³⁹

The State argues that entering child support orders will negatively affect its electronic registry of child support orders in some unspecified way, but Wisconsin, Kansas, Oklahoma, New Mexico, Washington, North Dakota, and Arizona allow tribal programs to *directly access* their state registry systems, and have offered trainings for tribal case workers to learn those systems.⁴⁰

technical assistance and training to Tribal staff and assist in the development of Tribal-specific policies and procedures as requested.”), <http://www.oregonchildsupport.gov/resources/tribal.shtml>.

³⁶ WASHINGTON DEP’T OF SOC. & HEALTH SERVS., DIV. OF CHILD SUPPORT TRIBAL RELATIONS TEAM, STATE/TRIBAL CHILD SUPPORT PARTNERSHIPS IN WASHINGTON STATE I (Aug. 29, 2011), App. 27-30.

³⁷ Washington Division of Child Support, Tribal Relations, <http://www.dshs.wa.gov/dcs/Tribal/default.asp>.

³⁸ Washington Division of Child Support, Tribes by Responsible DCS Office, <http://www.dshs.wa.gov/dcs/tribal/tribes.asp>.

³⁹ WASHINGTON DIVISION OF CHILD SUPPORT HANDBOOK, Chapter 13, §§ 13.000–13.095, *available at* <http://www.dshs.wa.gov/dcs/tribal/doctoc.asp>.

⁴⁰ NATIONAL TRIBAL CHILD SUPPORT ASSOCIATION, TRIBAL CHILD SUPPORT PROGRAM INFORMATION & RESOURCE GUIDE (May 2009), at App. 15-25. States and tribes generally execute a formal agreement for database access. *See, e.g.*, Washington Division of Child Support, Types of Tribal Agreements, ACES & SEMS Web Access Data Share Agreements, <http://www.dshs.wa.gov/dcs/tribal/csagreements.asp>. Some states allow tribes to directly enter information while others allow read-only access.

Although these examples of successful tribal-state cooperation are by no means binding on Alaska, they serve an important purpose. States across the country have already overcome the administrative responsibilities that presently concern the State. Further, the fact that Alaska's sister states recognize tribal authority to bind non-member parents to child support orders, both in and outside of Indian Country, demonstrates the lack of merit of the State's primary argument in this case.⁴¹

C. In addition to assistance from OCSE, a wide variety of materials and trainings on establishing effective state-tribal child support partnerships have been available to the State for years.

In addition to assistance from OCSE, a variety of national child support organizations offer trainings for states on working with tribal partners. For example, the National Child Support Enforcement Association (NCSEA) hosts an annual conference that state and tribal child support professionals attend side-by-side. This annual event features trainings on various issues related to cooperation between state and tribal child support programs. For example, NCSEA's 2011 conference included a training titled "Tribal, State and Federal Governments Working Together to Ensure the Best Services for Families," which explained:

There are many things State IV-D staff should be aware of when working with Tribal IV-D programs. There are also many things States and Tribes can do to find the best possible outcomes for Tribal

⁴¹ App. 37-38 (describing jurisdiction over member children regardless of parents' tribal membership or geographical location and full faith and credit from Oklahoma for corresponding child support orders); App. 39-40 (describing jurisdiction over member children regardless of parents' tribal membership or geographical location and full faith and credit from Washington for corresponding child support orders); App. 41 (describing jurisdiction over member children regardless of parents' tribal membership or geographical location and full faith and credit from Wisconsin for child support orders).

families and children, even when the Tribe doesn't have, or want to pursue a federally funded IV-D program.⁴²

Similarly, every year since 2007, the Western Interstate Child Support Enforcement Council (WICSEC) has provided annual trainings for state child support personnel that address cooperative jurisdictional efforts and encourage effective partnerships with tribal child support programs. For example, WICSEC's 2013 conference included three sessions: "Tribal IV-D 101 for States," "State and Tribal Intergovernmental Case Management Collaboration," and "Understanding Full Faith and Credit vs. UIFSA" which provided guidance on "how states recognize and enforce tribal support orders."⁴³ If the State is unaware about how to work with tribal child support programs is not for a lack of available resources and trainings.⁴⁴

⁴² Workshop descriptions available at <http://www.ncsea.org/2011-ncsea-conference/>. In addition, the 2012 conference included a training titled "Jurisdictions Working Together: Surmounting Challenges for Families," which highlighted the successes of tribal-state partnerships. The 2013 conference featured an update from OCSE on tribal child support programs. Past conference agendas available at <http://www.ncsea.org/programs-events/conferences/>.

⁴³ Conference descriptions available at <http://www.wicsec.org/2013materials.aspx>. Previous years have also included trainings titled, "Challenging Intergovernmental Case Proceedings" (2012), an "Inter-Jurisdictional Fair" for state and tribal program representatives to meet (2012), "Unraveling State and Tribal Court Jurisdiction: Moving Forward for Tribal Children" (2012), "Tribal Best Practices: Peacemaking Circles" (2012), and "States and Tribes Uniting for Children" (2011), among others. Past conference agendas available at <http://www.wicsec.org/conference.aspx>.

⁴⁴ Training for state child support professionals is also readily available year round via NCSEA's webinar program. For example, in April 2014 NCSEA will offer a training that will provide state child support managers with information on how to craft successful partnerships with tribal child support programs. National Child Support Enforcement Association, How to Win Big with a Tribal Partnership, <http://www.ncsea.org/event/how-to-win-big-with-a-tribal-partnership/>.

CONCLUSION

“Serial litigation over tribal court authority,” the State once aptly noted, “tie[s] up the lives of the affected persons” while also “divert[ing] state resources from necessary state services.”⁴⁵ Indeed, the State’s efforts here to limit the jurisdiction of tribal courts to only children who have two parents from the same tribe has no basis in longstanding law acknowledging inherent tribal court authority over member children. Nor do the State’s administrative arguments bear fruit in light of the numerous resources available to address the exact predicaments the State theorizes here. That the State has chosen not to educate itself about working with tribal child support programs does not excuse it from its federal obligation to recognize tribal child support orders.

For the reasons offered above, the National Association of Tribal Child Support Directors respectfully requests that this Court affirm the decision of the superior court.

Respectfully submitted this 14th day of March, 2014 at Anchorage, Alaska.



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⁴⁵ Amicus Brief of the State of Alaska at *1, *John I*, 982 P.2d 738 (No. S-0899) 1998 WL 35180190.



NEWS from the North Dakota Department of Human Services
600 E Boulevard Ave, Bismarck ND 58505-0250

FOR IMMEDIATE RELEASE
April 19, 2007

Contacts: Mike Schwindt, Director, Child Support Enforcement Division, N.D. Dept. of Human Services (DHS), 701-328-3582; Heather Steffl, DHS Public Information Officer, 701-328-4933; Ellen Wilson, Tribal IV-D Director, Three Affiliated Tribes, 701-627-2860, or Bill Woods, Tribal Prosecutor, Three Affiliated Tribes, 701-627-4467.

N.D. Department of Human Services and Three Affiliated Tribes sign historic agreement to cooperate on providing child support enforcement services

BISMARCK, N.D. – North Dakota and the Three Affiliated Tribes have signed a historic agreement pledging to cooperate in providing child support enforcement services. Laurie Alberts, Federal Programs Executive Officer for Three Affiliated Tribes, and Carol K. Olson, Executive Director of the N.D. Department of Human Services, signed for their respective governments. Within the next year, tribal officials expect to join about 30 Tribal Nations out of over 560 federally recognized tribes in offering child support enforcement services to members in its jurisdiction.

"We are very fortunate to see this agreement happen," said Tribal consultant Catherine Bryan of the National Tribal Justice Resource Center. "North Dakota officials have been accommodating. There are many good people working for the common goal of helping children."

Olson said, "The Department of Human Services is very pleased to be a part of this effort. We are agreeing to share resources and expertise, to collaborate on training, and to work together in good faith to serve children within the appropriate jurisdiction."

As sovereign nations, Tribes have the authority to govern members and provide government services. Within Tribal territory, the authority of State and local governments is limited. As a result, States have been limited in their ability to provide child support enforcement services on Tribal lands. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provided, for the first time, federal funding to Tribes for child support enforcement activities, creating an opportunity for Tribes to provide those services to members.

Tribal Program Director Ellen Wilson explained the key benefits of the agreement. "Families living on the reservation have a relationship with both the State and the Tribe. We serve children best by working together because children should not have to go without needed services because of jurisdictional issues."

- MORE -

State and Tribe sign child support agreement – page 2

Wilson credited Tribal Chief Judge El Marie Conklin and Tribal Prosecutor Bill Woods for their support in making Tribal child support enforcement services possible.

“This effort started about three years ago when we met with federal authorities and started discussing cooperation to get a IV-D unit going,” Woods said. “The N.D. Department of Human Services had invited Tribal officials to Bismarck and said they were willing to work with all of the Tribes if they wanted to establish their own programs.”

In 2005, the Three Affiliated Tribes submitted and received a federal planning grant for start-up funding. The N.D. Department of Human Services’ Child Support Enforcement Division submitted a letter supporting the grant application.

According to Wilson, the Tribe’s child support enforcement program will open next winter, and the Tribe expects to assume responsibility for serving about 300 cases currently handled by the state program. They will also work together on other cases.

“Having a child support enforcement program on the reservation is a step in the right direction. Before, the only services available were offered by N.D. Legal Services, which were subject to income-based guidelines, or by private attorneys, which made it unaffordable for some. This makes services such as establishing support orders more available.” Wilson said.

She said that while the office will be located in New Town, N.D., staff will go out to the communities and take services out to the people. The Fort Berthold Reservation covers a five-county area.

“The Department is ready to assist and help the Tribal program implement the services they choose to provide,” pledged State Child Support Enforcement Division Director Mike Schwindt.

Three Affiliated Tribes representatives Ellen Wilson, Tribal IV-D Director; Bill Woods, Tribal Prosecutor; and Nicole Wagner, Tribal IV-D Financial Specialist, attended the signing along with consultants Ruth Hara of Maximus and Catherine Bryan of the National Tribal Justice Resource Center. N.D. Department of Human Services (DHS) officials attending included Carol K. Olson, Executive Director; Mike Schwindt, DHS Child Support Enforcement Division Director; and numerous staff members.

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PHOTO



N.D. Department of Human Services Executive Director Carol K. Olson and Three Affiliated Tribes' Tribal IV-D Director Ellen Wilson celebrate signing the historic child support enforcement service agreement.

Workshop Summaries

Tuesday June 12

8:15-10:15 am

T-1 Plenary "How We Got Here- The History of Tribal Child Support" Tribal governments and communities have been involved with providing economic, social, emotional and spiritual support for our children for thousands of years. In 1996, with the passage of the PRWORA, the federal government included a provision that would provide direct funding for the Tribes child support activities. There began a lengthy, complex and sometimes tumultuous, yet productive collaboration between several Tribes and States and the federal OCSE which continues today. These efforts have greatly increased the services to our Native children and their families and strengthened a cooperative working relationship between the federal and Tribal social service agencies.

10:30am -12:00 noon

T-3 "A Spirit of Cooperation" This session will explore the steps and possibilities in building workable partnerships between Tribes and States. It will include a look at more than one effective way to cooperate in meeting the needs of children.

T-4 "TANF and Child Support" TANF and Child Support-what is the connection? Why should Tribes who operate their own TANF Program want to operate their own Child Support Program? How can TANF and Child Support work together? Come listen to a panel discussion by the Federal Government (OCSE), Tribal staff and State of Washington staff discuss these issues and many more. The session will include an overview of the ways TTANF program and child support services improve when there is good communication and identification of common goals. State and Tribal staff will share effective practices and approaches.

T-5 "Why Choose to Operate a Child Support Program?" Before a Tribe commits to operating a Child Support program, there are many factors to consider. This presentation by two of the Start-up Tribes will provide insights into how they arrived at the decision to apply for federal funding and what this will mean to their tribal community.

1:15-1:45 pm

T-6 Plenary "Meet the Federal Partners" OCSE Central Office representatives from the Divisions of Policy; Special Staffs; and Planning, Research and Development will introduce themselves and briefly explain their role in the national Tribal Child Support Program. Following this session, these presenters will be involved in several workshops during the conference.

2:00-3:15 pm

T-7 "Washington State Redesign of State Tribal Relations Unit" The Washington State Economic Services Administration (ESA) and Division of Child Support (DCS) will be undergoing a reorganization of some staff in the State Tribal Relationship Unit (STRU) at ESA. Seeking stakeholder input is important to DCS when significant reorganizations like this occur. To help with this transition, DCS seeks input from all stakeholders and tribes. Three key questions will be explored: 1) How can we better serve the needs of your tribe and your tribal members? 2) What should these staff focus on, and what should be their priorities over the next year? 3) How can we better communicate and collaborate with you? Although this meeting is intended to be open

dialogue with tribes and staff in Washington State, it is open to anyone who wants an insight into the dialogue, process, and issues discussed.

T-8 "Financial Reporting" This session is geared for the grantee staff responsible for submission of the Financial Status Report (SF-269) of Expenditures and the OCSE 34A Quarterly Report of Collections. Detailed instruction will provide an introduction of the HHS Optional Electronic Financial Reporting through the Online Data Collection (OLDC) system and a demonstration of the functionalities of the system and the advantages. The new OCSE Form 75, for narrative and statistical reporting, will be presented and explained.

T-9 "Developing a Program Development Plan and Timeline" When a Tribe makes the decision to apply for federal funding, they must develop a detailed plan and timeline, explaining what work they must do during the two-year startup period to bring them to the point of fully meeting all requirements. The plan is part of the application packet and must be approved by the OCSE Review Team. This session will offer many suggestions about writing a plan and timeline that will clearly explain the intent of the Tribe in order to get approval for funding.

3:30-5:00 pm

T-10 "Working Interjurisdictional Cases" The panel members will take a look at some of the issues that arise when more than one jurisdiction has an interest in a single Child Support case. Examples of ideas that have worked will be presented.

T-11 "Developing Child Support Guidelines" What does a Tribe need to consider before and during the Start-up period as they are working on Child Support Guidelines? Council input? Talk with other tribes? Survey the general tribal membership? This session will offer some thoughts and ideas to help new Tribes work through this process.

T-12 "Distribution of Child Support Payments" Although more simplified than PRWORA distribution specifications for State IV-D programs, distribution requirements for Tribal IV-D Child Support Programs can still be complex. This workshop provides information about Tribal IV-D distribution requirements, policy options available to start-up Tribes, and tips on working with other IV-D and IV-A programs to coordinate information sharing for accurate and timely child support distributions.

Wednesday June 13

8:30-10:00 am

W-1 Plenary "Reflections" *...of the past, present and the future.* Pearl's thoughts on this session: " PAST- I Would like to share how we as Indian people traditionally and culturally took care of our own families. PRESENT- Today how collectively Tribes and the state must work together for the sake of our children. FUTURE-, how we must focus on strategies, planning and education, and only through these processes can we make better futures for our children."

10:15-11:45 am

W-2 "Paternity Establishment: What It Means for Tribes" This workshop offers an overview of legal paternity and how it affects Tribes. Panel facilitators will focus on various methods used to legally establish paternity as well as how State and Tribal attorneys work together during the establishment process. Panel facilitators will also discuss how and when paternity may be disestablished. The session will also offer an overview of the Yakama Nation Genetic Testing Project that Abel French facilitates. The project came into being because the Yakama Nation and Yakima County area had no resources available to families that need genetic testing. Yakima Division of Child Support (DCS) became aware of it after receiving concerns from the Yakama

Nation community. Yakima DCS did much research with local health clinics, health district and area hospitals to find out how to offer Yakama Nation community an option for genetic testing that is easily accessible, effective and efficient. This project is an opportunity to meet this need in the community. In addition, Abel will give a brief background of the history between the Yakama Nation and the Washington State Division of Child Support.

W-3 "Tribal Automated Systems: What's Out There? What's Coming Up? Controversy about automated systems has been a big part of the Tribal Child Support Program. Learn about the issues and some options Tribes have found to help them move into automated case management.

W-4 "Medical Support Enforcement for Tribal Children" What is Medical Child Support? You heard about it but what does it mean? How will Medical Child Support affect Tribal Children in your community? Come listen to a panel discussion by representatives from the federal government (OCSE), the State of Washington Division of Child Support, and the Port Gamble S'Klallam Tribe Child Support Program. In addition, this presentation offers a general overview of medical support for tribal children from the Federal perspective. The overview includes discussion of key policy documents, intergovernmental cooperation, and other related federal requirements.

1:00-1:55 pm

W-5 Plenary "Breaking the Tether: Family Focus-The Child" Jim Thomas will introduce the Nooksack Tribal TANF emphasis on the Child, from the inclusion of a necessary statement in the original ACF approved plan on through the development of the Child Development Program. He will explain the program's unique approach of placing a tutor "in-school" vs. afterschool programs and the designing of a tutor manual on this experiment and experience.

2:00-3:15 pm

W-6 "Judicial or Administrative Process: What Are the Differences? How Do They Work?" Presenters will explain the differences between the administrative court process and the judicial court process as well as the pros and cons of each.

W-7 "Developing a Tribal Child Support Budget" This session will cover the fundamentals of developing a budget for the Start-up (1st and 2nd year) and Comprehensive Child Support Enforcement grant application including an explanation of allowable costs, with the Federal partners giving guidelines and tips on what they look at when approving the budget. The Tribal representative will suggest items that may be overlooked in developing a budget by newly funded tribes.

W-8 "Training New Staff- Who, What, When and How" This session will include an overview of what might be involved in setting up and maintaining a Tribal child support training program, and describe the importance of training in the complex world of child support. There will be information and practical examples to provide you with a starting point, depending on your program's resources, location and configuration, and assistance to help you identify and determine what training will be necessary, who will provide the training, and where, when and how the training should take place. In addition, information about the soon-to-be released computer based training program, developed by OCSE, will be provided.

3:30-5:00 pm

W-9 "Tribal IV-D Programs" This Round Table discussion will explore the variety of ways that the Child Support Program has been developed to work within individual Tribal Culture and meet the needs of a specific community. Bring your ideas and questions...the more discussion, the better!

W-10 "Federal Update" This presentation covers the child support provisions of the Deficit Reduction Act of 2005 (DRA) and the resulting requirements for State IV-D programs. The presentation summarizes requirements relating to distribution, mandatory review and adjustment, passport denial, medical support, paternity testing, incentive payments, and the mandatory annual fee as well as certain optional provisions concerning distribution and insurance data matching. In addition, there will be an overview of the National OCSE Initiative, Project to Avoid Increasing Delinquencies (P.A.I.D.), which is of importance to both State and Tribal IV-D program staff.

W-11 "Cross-Program Work" Programs such as Domestic Violence, TANF, Drug Courts, Child Welfare and others frequently interact with Child Support programs. The presenters will describe their interrelationships with various programs within their tribes. For example, Jim Thomas believes that within our Tribal TANF programs we need to become creative with our existing funding rather than creating an over-dependence on separate proposals and grants for funding in such areas as assisting in responsible fatherhood and in healthy family programs. Jim will discuss how the Nooksack Tribal TANF is approaching the Child Support Program. Currently the TANF program is looking at supporting the Child Development Program in scholarship programs for graduating youth and in parental skills development. Lummi Nation's Drug Court has developed some innovative methods of working with parents. Puyallup Tribe has successfully bridged the gap with their Domestic Violence program. Come and share your own examples!

Thursday June 14

8:30-10:00 am

TH-1 "State/Tribal Roundtables" These sessions are one last opportunity for discussion, questions, and observations. There may be some planning for future meetings and other activities that relate to improving both State and Tribal Child Support Services. Attend this session and share your thoughts with others you will be working with in the years to come.

10:30- Noon

TH-2 Plenary "What We've Learned~ Looking Forward" A reflective look at the past few days, including key points from the State/Tribal Roundtable discussions. We have learned and met new people. We've heard new ideas, and undoubtedly have more questions! Let's think about what the future steps will be for each of us.

**The Region 10 Office of Child Support Enforcement
and the Quinault Nation Child Support Program**

present the 3rd Annual

Tribal/State Child Support Training Conference

*"To Hear the Smallest Voice,
We Must Learn to Listen Together"*



September 22nd - September 25th, 2008

Quinault Beach Resort and Casino
Ocean Shores, WA 98569




MONDAY, September 22, 2008

3:00 pm - 6:00 pm	Registration Table is open
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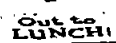
TUESDAY, September 23, 2008

7:30 am - 9:00 am	Registration Table will be open 7:30 am - 3:00 pm Continental Breakfast Available		
9:00 am - 10:00 am (Room 1)	<p>Opening Welcome Remarks: Linda Gillett and John Baller</p> <p>Cultural Ceremony and Posting of Colors</p> <p>Traditional Blessing: Quinault Nation Member</p> <p>Introduction of Selected Charity: Cara Althoff</p> <p>General Announcements and Roll Call of Tribes and States: Jan Jensen</p> <p>Introduction of Plenary Speaker: Linda Gillett</p>		
9:45 am - 10:30 am (Room 1)	<p>Plenary Session: Margot Bean Commissioner - OCSE</p>		
10:30 am - 10:45 am	Break		
	<u>Room 1*</u>	<u>Room 5</u>	<u>Room 6</u>
10:45 am - 12:00 pm	<p>Workshop T-1 The Role of the Attorney in Child Support Enforcement: Federal, State and Local Levels</p> <p><i>Jerry Ford and Karl Boettner</i> Coordinator: Jan Jensen Moderator: Margot Bean</p>	<p>Workshop T-2 Developing Codes, Policies, Procedures, and Child Support Schedule and Guidelines</p> <p><i>Tallis King George and Debra O'Gara</i> Coordinator/Moderator: <i>Maria Huynh</i></p>	<p>Workshop T-3 2005 Deficit Reduction Act: Implementation and Impact on State & Tribal Programs</p> <p><i>Ellen Nolan, Debra Mosher, Kristen Neal, John Cheng</i> Coordinator/Moderator: Levi Fisher</p>


3rd Annual Tribal/State Child Support Conference

12:00 pm - 1:30 pm	<p>Lunch (on your own) Out to LUNCH! IV-D Directors Lunch with Margot Bean</p>		
	<u>Room 1*</u>	<u>Room 5</u>	<u>Room 6</u>
1:30 pm - 2:45 pm	<p><u>Workshop T-4</u> The Role of the Attorney in Child Support Enforcement: Ethics Teresa Williams Coordinator/Moderator: Maxine Schmitz</p>	<p><u>Workshop T-5</u> Tribal TANF/Child Support Connection John Baller and Darrel Pickett Coordinator/Moderator: Maria Huynh</p>	<p><u>Workshop T-6</u> Interjurisdictional Referrals: Establishment, Modification, Enforcement, Exchange Rate Paula Ruiz and Scott Morris Coordinator/ Moderator: Brady Rossnagle</p>
2:45 pm - 3:00 pm	<p>Break </p>		
3:00 pm - 4:15 pm (Room 1)	<p>Child Support Jeopardy! Host: Ted Thornton "An Exciting Game of Answers and Questions" 3 teams battle to be Jeopardy! Champs</p>		



NOTES:

7:30 am - 8:15 am (Room 1)	<p style="text-align: center;">Continental Breakfast Available - Blessing - Announcements: Jan Jensen Introduction of Plenary Speaker: Cara Althoff</p>			
8:15 am - 9:00 am (Room 1)	<p style="text-align: center;">Plenary Session: Judge Theresa Pouley The Tulalip Tribes</p>			
	<u>Room 1*</u>	<u>Room 2</u>	<u>Room 5</u>	<u>Room 6</u>
9:15 am - 10:30 am	<p><u>Workshop W-1</u> Advocacy Skills and Best Practices for Child Support Attorneys <i>Jerry Ford and Lynn Hampton</i> Coord./Moderator: David Johnson</p>	<p><u>Workshop W-2</u> Strategies to Transition Cases from State to Tribal IV-D Programs <i>Leader: Linda Tresaugue</i> (Round Table Discussion)</p>	<p><u>Workshop W-3</u> Working with Federal Entities: Military and Social Security <i>Dan Hults and Mike McGuire</i> Coordinator/Moderator: Chris Franks</p>	<p><u>Workshop W-4</u> Budget Management: Mandatory v Discretionary/In kind Match <i>Joe Lonergan, Pat Contraro, Marilyn Olson and Sandra Starnes</i> Coordinator/Moderator: Jan Jensen</p>
10:30 am - 10:45 pm	 Break			
	<u>Room 1*</u>	<u>Room 2</u>	<u>Room 5</u>	<u>Room 6</u>
10:45 am - 12:00 pm	<p><u>Workshop W-5</u> Child Support Obligations-Establishment and Modification <i>Karl Boettner and Teresa Williams</i> Coordinator/Moderator: Ken Levinson</p>	<p><u>Workshop W-6</u> Networking Strategies (State, Federal, Tribal & Businesses) <i>Leaders: John Baller and Linda Tresaugue</i> (Round Table Discussion)</p>	<p><u>Workshop W-7</u> Locate: Federal Parent Locator Service and other State tools <i>Debra Mosher, Chris Franks and Rod Taylor</i> Coordinator/Moderator: Ted Thornton</p>	<p><u>Workshop W-8</u> Model Tribal Case Management System <i>Joe Bodmer, Tom Mahony and Chris Meike</i> Coordinator/Moderator: Sheila Drake</p>
12:00 pm - 1:30 pm	 Lunch (on your own)			
	<u>Room 1*</u>	<u>Room 2</u>	<u>Room 5</u>	<u>Room 6</u>
1:30 pm - 2:45 pm	<p><u>Workshop W-9</u> Paternity Establishment <i>Debra O'Gara, and April Buck</i> Coordinator/Moderator: Kristen Neal</p>	<p><u>Workshop W-10</u> Tribal/State Connection: What do Tribes need from State Liaisons? What Baseline information is available from States? <i>Leader: Linda Tresaugue</i> (Round Table Discussion) Moderator: Jana Music</p>	<p><u>Workshop W-11</u> Reporting Requirements-Information on OLDC, SF 269, OCSE 34A and OCSE 75 <i>Joyce Pitts and Joe Lonergan</i> Coordinator/Moderator: Jan Jensen</p>	<p><u>Workshop W-12</u> Model Tribal Case Management System <i>Joe Bodmer, Tom Mahony and Chris Meike</i> Coordinator/Moderator: Sheila Drake</p>

3rd Annual Tribal/State Child Support Conference

2:45 pm - 3:00 pm	Break 			
	<u>Room 1*</u>	<u>Room 2</u>	<u>Room 5</u>	<u>Room 6</u>
3:00 pm - 4:15 pm	<p><u>Workshop W-13</u></p> <p>Calculating Child Support Obligations</p> <p><i>Jerry Ford and Joyce Bryant</i></p> <p>Coordinator/Moderator: Ken Levinson</p>	<p><u>Workshop W-14</u></p> <p>Strategies to Collect Data for meaningful reports</p> <p><i>Leaders: Maria Huynh, Kim Reynon-Spissak and John Baller</i></p> <p>(Round Table Discussion)</p>	<p><u>Workshop W-15</u></p> <p>Case Management (Case set-up, tickler systems and debt calculations)</p> <p><i>Travis Brockie</i></p> <p>Coordinator/Moderator: Jana Music</p>	<p><u>Workshop W-16</u></p> <p>Automating the Tribal Child Support Office</p> <p><i>Irene Tupou and Paula Ruiz</i></p> <p>Coordinator/Moderator: David Johnson</p>

THURSDAY, September 25, 2008

8:30 am - 9:30 am (Room 1)	Breakfast 			
	<u>Room 1*</u>	<u>Room 2</u>	<u>Room 3</u>	
9:30 am - 10:45 am	<p><u>Workshop Th-1</u></p> <p>Child Support Obligations: Enforcement</p> <p><i>Teresa Williams and Scott Morris</i></p> <p>Coordinator: Maxine Schmitz</p>	<p><u>Workshop Th-2</u></p> <p>Child Support Payment Distribution</p> <p><i>Maria Huynh and Sandra Starnes</i></p> <p>Coordinator/Moderator: Nancy Mathieson</p>	<p><u>Workshop Th-3</u></p> <p>Logistics and Staffing- Office space, equipment, and supplies; hiring and training</p> <p><i>John Baller and Linda Tresaugue</i></p> <p>Coordinator/Moderator: Kim Reynon-Spissak</p>	
10:45 am - 11:00 am	Break 			
11:00 am - 12:00 pm (Room 1)	<p>Plenary Session: Cultural Event</p> <p>Closing Remarks: <i>Linda Gillett and John Baller</i></p> <p>Closing Blessing: Quinault Nation member</p>			

*NOTE: All Sessions in Room 1 were developed as a legal track for potential CLE credit for attorneys. If interested in CLE credit, be sure to pick up an information packet at the registration desk.

TUESDAY, September 23

10:45 am – 12:00 noon

The Role of the Attorney in Child Support Enforcement– Federal, State and Local Levels

Introductory information about IV-D Programs. This session covers the federal, state and local roles in child support enforcement and important child support laws and rules to know.

Developing Codes, Policies and Procedures, and Child Support Schedule and Guidelines

The emphasis in this workshop will be on ensuring that the codes, policies & procedures, schedule and guidelines reflect the uniqueness of each tribe and meet the needs of the Tribal community.

The 2005 Deficit Reduction Act (DRA): Implementation and Impact on State and Tribal Programs

An overview of the 2005 DRA, its impact on State Programs and the necessity for an enhanced State and Tribal partnership to ensure that all children are being appropriately served.

1:30 pm – 2:45 pm

The Role of the Attorney in Child Support Enforcement: Ethics and Caseload Management.

Ethics topics in this session include, knowing who you represent and your duties to your client, duties to other parties, confidentiality, supervising non-attorneys, disclosure about representation, dealing with unrepresented parties, conflicts of interest, prior representation of a party, dealing with applications by both parents for CSE services, change of custody issues, and attorney-client privilege. Caseload management will cover the following topics, release of information to the non-custodial parent, handling information from outside sources, when to close and archive files and file continuity

(consistent office practices to make sure no obligations are missed when files change hands as office staff transition in and out of positions).

Tribal TANF/Child Support Connection

A discussion of the interaction between Tribal TANF and Child Support Programs and the partnership to provide the best services for their shared clients while complementing each other's services.

Interjurisdictional Referrals:

Establishment, Modification, Enforcement, Exchange Rate
There are unique issues when more than one jurisdiction is involved in a child support case, including Canada or a different Tribe or State. This workshop will discuss some of those issues and provide some insight into practical resolution.

3:00 pm – 4:15 pm

Child Support Jeopardy!

This is an exciting game of Answers and Questions played by 3 teams. *Host - Ted Thornton*

WEDNESDAY September 24

9:15 am – 10:30 am

Advocacy Skills for Child Support Enforcement Attorneys and Best Practices

This workshop will be geared toward attorneys, judges and court personnel handling paternity and child support establishment in Tribal Courts. The session will cover interviewing witnesses and consultation with parties, identifying interview objectives, pleadings, discovery tools, negotiation, trial preparation, entry of the judgments and orders, and advising the parties of their respective duties.

Strategies to Transition Cases from State to Tribal IV-D Programs (RT):

This will be a Round Table discussion about the barriers faced in transferring cases from a State to a Tribal IV-D Agency. Come prepared to share your concerns and your successes in addressing this issue.

Working with Federal Entities: Military and Social Security

A military expert will share the "tricks" for serving and enforcing on military personnel who are currently stationed overseas. The issues that arise for Tribes in dealing with the Social Security Administration will be discussed.

Budget Management: Mandatory vs. Discretionary Grants and In-Kind Match

Joe Lonergan of Grants Management will describe the differences between mandatory and discretionary grants. He will describe the uniqueness of the Child Support Grant and give guidance on how to meet the match requirement using in-kind instead of cash match. Marilyn Olson and Sandra Starnes will talk about how to establish your budget, determine your match and then properly document your activities. Bring your questions and ideas for discussion.

10:45 am – 12:00 Noon

Child Support Obligations: Establishment and Modification

This session will cover the basics of modification of current support orders to include jurisdictional issues, screening, filing, discovery and finalization of orders. Emphasis will be placed on dispute resolution between often contentious parents and how to write the best support order in every case.

WEDNESDAY September 24

10:45 am – 12:00 Noon

**Networking Strategies-
(State/Federal/Tribal &
Businesses) (RT)**

This Round Table discussion will explore strategies that have resulted in better partnering and networking between Tribes, States, and Federal entities and outreach to businesses.

Locate Techniques:

Federal Parent Locator Service and other State tools

An explanation of the tools available to states and the FPLS and mechanisms that Tribal IV-D Programs can use to access that information.

Model Tribal Child Support Case Management System

OCSE, in association with the Tribal Systems Workgroup, a consensus-driven collaborative workgroup formed in 2002 of the original nine Interim Tribal IV-D Program Grantees, defined and designed a one-of-a-kind automated system to serve the unique programmatic needs of the Tribal child support enforcement community. In 2007 the workgroup was expanded to include all of the Tribal Start-up Grantees in addition to all Comprehensive Tribal programs. With design work completed in the Summer of 2007, application development began in November of 2007, and today the project is fast approach completion, expected by the end of October 2008.

Today's presentation will demonstrate the application created by and for Tribal IV-D programs, called the Model Tribal System, or MTS. Attendees to this presentation will see how the system fully supports a level of Tribal customization and configuration unavailable in any system ever built before, include In State IV-D programs. The MTS allows for each

Tribe's copy of the system to be functionally and operationally unique to that Tribe, including visual presentation and user interface features, such as the display of the Tribe's Seal on screens and on selected forms, reports, and correspondence produced by the MTS. The MTS comes with over 150 different notices, forms, documents and reports, all fully customizable within the MTS. The MTS supports all program requirements as defined in Federal regulations in 45 CFR 309, and offers additional capabilities such as scheduling and calendaring, To-Do and Staff Worklists, and Case Activity Histories, and today's demonstration will walk attendees through the entire system. Attendees are invited to ask questions at any time during the demonstration.

1:30 pm – 2:45 pm

Paternity Establishment

This session will outline the entire paternity process from initial interview, pleadings, genetic testing, and the finalization of the paternity case. This session will cover the basics applicable to all parentage actions wherever brought and how to modify procedures to fit each tribe's needs and laws so that an effective and culturally sensitive system may be implemented.

Tribal/State Connection (RT):

A Round Table discussion about the services that a Tribe may want from their respective State Liaison and the Baseline data the State may be able to supply to a new Tribal IV-D Program.

Reporting Requirements:

Information on OLDC and forms SF-269, OCSE 34A and OCSE 75 The Federal Staff will provide information on how Tribal IV-D Programs should complete the required reporting forms and the

information needed in the narrative report.

Case Management (case set-up, tickler systems, debt calculations, etc)

A general overview of case management techniques including how to set up cases, use a tickler system, calculate child support obligations etc. to ensure cases are handled in a timely and appropriate manner.

3:00 pm – 4:15 pm

Calculating Child Support Obligations

This workshop will be geared toward attorneys, judges and court personnel handling paternity and child support establishment and enforcement cases in Tribal Courts. The workshop will cover the various issues involved in the determination on Income based on the administrative and court processes of Washington. Topics covered will include: what is income, how to find it, whether to impute or assign an income, military, per capita, prison, social security disability and TANF as income. The presentation will focus on both the common nature of income determination between all child support programs and the distinctive differences between states and tribes.

Strategies to Collect Data for Meaningful Reports (RT):

This Round Table discussion will focus on data that can be used to provide more meaningful reports to Congress so the true story of Tribal IV-D success can be discerned. Experienced tribes will discuss the issues involved in showing Congress how successful the program is in providing needed services to children and will share strategies they have developed to ensure that message is being heard where it is most needed.

WEDNESDAY September 24

3:00 pm – 4:15 pm (cont'd)

Automating the Child Support Office

Techniques for using off-the-shelf software to provide some automation of case management while making minor software changes that the Federal Grant will fund.

THURSDAY September 25

9:30 am – 10:45 am

Child Support Obligations: Enforcement

This session will address enforcement strategies and remedies, including income withholding, liens and levies, judgment debtor exams, contempt sanctions, compelling efforts to obtain income. Also covered are criminal nonsupport, defenses to enforcement including inability to pay, and Full Faith and Credit for Child Support Orders Act. There will be information on state enforcement and locate methods, such as Interstate enforcement, administrative offset, IRS full collection, state tax refund offset, license revocation,

Child Support Payment Distribution:

Come learn how a Comprehensive Tribal Child Support Program distributes child support payments. The session will go into detail on TANF assignment, TANF pass through, total TANF received compared to total child support assigned, and distributing payments among multiple cases. This is interactive session that will require participants to do simple math. A calculator is recommended.

Operating a Child Support Program: Logistics and Staffing

The session will offer strategies for planning for needed space, equipment, supplies, furniture etc. that will be needed when the IV-D Program becomes operational and suddenly grows larger. Current and former Program Directors will discuss staff to case ratios, what to look for in hiring child support staff and what training will be needed.



**TRIBAL
CHILD SUPPORT
PROGRAM**

**INFORMATION
&
RESOURCE GUIDE**

**PREPARED BY:
GLORIA HOWARD
PUYALLUP TRIBAL CHILD SUPPORT PROGRAM
&
TAMI J LORBECKE
KEWEENAW BAY INDIAN COMMUNITY OFFICE OF CHILD SUPPORT SERVICES**

Updated
MAY 2009

Inter-Governmental Case Management

Although we attempted to provide the most current information concerning each Tribe's inter-jurisdictional enforcement requirements, not all Tribes submitted their information. Therefore, this Resource Guide provides, at a minimum, contact information for each Tribal IV-D program.

For Tribal programs without information listed, it is highly recommended that you contact the Tribe in question before sending your first request for their assistance with an inter-jurisdictional IV-D case.

If it is determined that the Tribe has the jurisdiction to work the case, ask what paperwork they will require you to send to enlist their assistance.

Please be specific about what action you are requesting assistance with (i.e., enforcement only, paternity, modification, or order establishment or location of a parent).

Tribal IV-D Program Information

Program information for funded tribes is available on the following websites:

- National Tribal Child Support Association (NTCSA):
http://www.supporttribalcchildren.org/resources_programs.htm
- Office of Child Support (OCSE): <http://www.acf.hhs.gov/programs/cse/>
- Individual Tribal websites (use any major web search engine to locate a Tribe's official website).

Tribal Non-IV-D Information

For non-IV-D Tribal programs (i.e., Tribes who do not receive federal funding to operate a child support program), information, you can contact the individual Tribal court or administrative office.

Tribal contact information is available from:

- National American Indian Court Judges Association
<http://www.ntjrc.org/tribalcourts/onlinedirectory.asp>
- American Indian Resource Directory
<http://www.indians.org/Resource/FedTribes99/fedtribes99.html>

<p>Chickasaw Nation Child Support Services P.O. Box 1809, 231 Seabrook Road Ada, OK 74821</p> <p>Cassandra McGilbray, Director Email: cassandra.mcgilbray@chickasaw.net</p> <p>Phone: 580-436-3419 Fax: 580-436-3460</p> <p>Website: http://www.chickasaw.net/services/index_3053.htm</p>	<p>Judicial Court of Federal Regulations (CFR)</p> <p>System: Chickasaw Nation utilizes Oklahoma state computer system O.S.I.S. (Oklahoma State Information System).</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>Send directly to Chickasaw Nation Department of Child Support Enforcement. If a referral has been sent to the state of Oklahoma Central Registry, the Registry will determine if the transmittal should be forwarded to the Chickasaw Nation to be worked. If additional paperwork is required, Chickasaw Nation CSE will contact the initiating jurisdiction.</p> <p>Packets should include: 1 original and 1 copy.</p> <p><u>Referral/transfer:</u> Transmittal #1 Petition Registration of foreign support order Certified copies of all orders Certified copies of debt calculation Current income/employment information Address confidentiality statement</p> <p><u>Paternity:</u> Transmittal #1 Petition Registration of foreign order if appropriate General testimony Any documentation that supports Respondent is the father of the child Current financial/employment information Address confidentiality statement</p>
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Kaw Nation
Child Support Services
P.O. Box 50
Kaw City, OK 74641

Amy Oldfield, Director
Email:
amy.oldfield@sbcglobal.net

Phone: (580) 269-2003
Fax: (580)-269-2113

Website:
<http://www.kawnation.com/programs/css.php>

Judicial

System:
Uses State of OK automated system, OSIS.

Inter-Jurisdictional Enforcement Requirements:

Send all requests for enforcement directly to the Kaw Nation Child Support Services office. Documents required:

Enforcement:

- Petition
- Registration of Foreign Order
- Certified copies of all orders
- Certified copies of debt calculation
- Current income/employment information

Paternity:

- Petition
- Registration of Foreign Order
- Supporting documentation
- Financial/employment Information

<p>Kickapoo Tribe Child Support Enforcement Program 883 112th Dr, #815 Horton, KS 66439-0271</p> <p>Nadine Martinez, Director Email: nadine.martinez@hotmail.com</p> <p>Phone: 785-486-2662, ext. 233 Fax: 785-486-3790</p> <p>Website:</p>	<p>Judicial</p> <p>System:</p> <p>Manual case management along with use of a database and State of OK automated system, OSIS.</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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<p>Klamath Tribe Child Support Program P.O. Box 1260, 116 Chocktoot St Chiloquin, OR 97624</p> <p>Diana Lang, Program Manager Email: Diana.lang@klamathtribalcourts.com</p> <p>Phone: 541-783-3020 ext. 105 Fax: (541) 783-7522</p> <p>Website:</p>	<p>Judicial</p> <p>System:</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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<p>Lac du Flambeau Tribe Tribal Child Support Agency P.O. Box 1198 Lac du Flambeau, WI 54538</p> <p>Frances Whitfield, Program Manager Email: francesw@newnorth.net</p> <p>Phone: 715-588-4236 Fax: 715-588-9240</p> <p>Website:</p>	<p>Judicial/Administrative</p> <p>System: Utilizes Wisconsin State child support computer system, KIDS (Kids Information Data System)</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>Requirements: Contact the Tribe before sending a transmittal to discuss jurisdictional issues. If it is determined that the tribe has the jurisdiction to work the case, send a transmittal using the same requirements for a UIFSA packet. If additional paperwork is required, the agency will contact the initiating jurisdiction.</p>
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<p>Lummi Nation Child Support Enforcement 2616 Kwina Road Bellingham, WA 98226</p> <p>Ralph Jefferson Jr., Interim Director Email: ralphj@lummi-nsn.gov</p> <p>Kelly Jefferson, Program Manager Email: kellyj@lummi-nsn.gov</p> <p>Phone: 360-384-2326 Fax: 360-312-9192</p> <p>Website:</p>	<p>Judicial</p> <p>System: Manual</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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<p>Menominee Indian Tribes of Wisconsin Tribal Child Support Agency P.O. Box 520 Keshena, WI 54135</p> <p>Mary Husby, Director Email: mhusby@mitw.org</p> <p>Rosemund Hoffman, Program Manager Email: rhoffman@mitw.org</p> <p>Phone: 715-799-5290 Fax: (715) 799-6061</p> <p>Website: http://menominee-nsn.gov/healthFamily/socialServices/childSupport/childHome.php</p>	<p>Judicial</p> <p>System: Utilizes State of Wisconsin computer system known as KIDS (Kids Information Data System).</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>A. Contact the Manager of the child support agency to determine that the Menominee Tribal Court has jurisdiction.</p> <p>B. The agency's Inter-Jurisdictional Specialist will respond within two (2) working days.</p> <p>C. Upon notice that the MITW has jurisdiction, mail or submit the following:</p> <p>Enforcement:</p> <ul style="list-style-type: none"> • Child Support Transmittal # 1 • Financial Statement • Certified Copy of Court Order <p>Paternity:</p> <ul style="list-style-type: none"> • Child Support Transmittal #1 • General Testimony • Affidavit in Support of Paternity Establishment • Birth Certificate
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<p>Mescalero Apache Tribe Child Support Program PO Box 300 231 N. Eagle Dr. Mescalero, NM 88340</p> <p>Carlys Balatche, Director Email: cbalatche@matisp.net</p> <p>Ph. 505-464-2577 Fax: 505-464-2599</p> <p>Website:</p>	<p>Judicial</p> <p>System:</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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<p>Modoc Tribe P.O. Box 1110 21 N. Eight Tribes Trail Miami, OK 74354</p> <p>Jerry Sweet, IV-D Director Email: jsweet@modoc-cse.org</p> <p>Phone: ((918) 540-1501 Fax: (918) 540-1503</p> <p>Website:</p>	<p>Judicial</p> <p>System:</p> <p>Database and State of OK's automated system, OSIS></p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>Require the federal inter-governmental forms indicating what type of action is being requested along with:</p> <ul style="list-style-type: none"> • Record of Payment and Arrears owed • 3 Certified copies of all orders • Information on all parties (CP and NCP)
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<p>Muscogee (Creek) Nation Child Support Enforcement PO Box 580 Okmulgee, OK 74447</p> <p>Marcy Moore, Director/Managing Attorney Email: mmoore@muscoqeenation-nsn.gov</p> <p>Phone: 918-752-3181 Fax: (918) 756-2445</p> <p>Website: http://www.mcnchildsupport.com /</p>	<p>Judicial</p> <p>System:</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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Navajo Nation

Dept. of Child Support
Enforcement
P.O. Box 7050
Window Rock, AZ 86515

Pierette Baldwin-Gumbrecht
Program Supervisor
Email: gumbrecht1@aol.com

Phone: 928-871-7194
Fax: 928-871-7196

Website:

Judicial and Administrative

System: Utilizes New Mexico
and Arizona state child
support
systems

**Inter-Jurisdictional
Enforcement Requirements:**

Requirements: It is recommended that you contact the Tribe before sending a transmittal to discuss jurisdictional issues. If it is determined that the Tribe has the jurisdiction to work the case, send a transmittal using the same requirements for packet to the state of New Mexico or Arizona. They will in turn forward packet to Tribe. If additional paperwork is required, the Navajo Nation Child Support Agency will contact the initiating jurisdiction.

Case can also be sent directly to Tribe but a letter must accompany packet to explain what it is that you are seeking (i.e., enforcement, paternity establishment, etc.)

If mailing directly to the Tribe, packet must include: certified copy debt calculation, certified copies of all orders, and letter of referral as stated above.

Include in packet any known information about the non-custodial parent.

<p>Oneida Tribe of Indians of Wisconsin Child Support Agency PO Box 365 Oneida, WI 54155</p> <p>Lisa Schwartz, Director Email: lschwartz@oneidanation.org</p> <p>Phone: 920-490-3766 Fax: 920-490-3799</p> <p>Website: http://www.oneidanation.org/socialservices/page.aspx?id=6558&linkidentifier=id&itemid=6558</p>	<p>Judicial and Administrative</p> <p>System: Manual State of WI automated child support system, KIDS</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>Requests for assistance must include a certified copy of the order along with a certified statement of arrears.</p> <p>It is recommended that you contact the child support program regarding referral of cases.</p> <p>Per capita enforcement is handled by the Oneida Appeals Commission.</p>
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<p>Osage Nation Child Support Services PO Box 1299 255 Senior Dr. Pawhuska, OK 74056</p> <p>Greg Kidder, Director Email: gkidder@osage-tribe.org Phone: 918-287-5575 Fax: 918-287-5577</p> <p>Website: http://www.osage-tribe.com/childsupport/</p>	<p>Judicial</p> <p>System: The Osage Nation operates on two systems, CSSNetBase (In-house database developed by the Osage Nation Child Support office) and Oklahoma State Information System (O.S.I.S).</p> <p>CSSNetBase allows ONCSS to track pertinent information such as active and inactive case loads. The CSSNetBase also allows for ONCSS to track all of its finances.</p> <p>ONCSS utilizes the state system for gathering additional information and utilizes the automated process of collecting Federal Tax Offset through an established MOU.</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>ONCSS will register the order within the Osage Nation Trial Court for the purpose of wage garnishments.</p> <p>ONCSS will request a copy of the order attached with the income assignment.</p>
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**Three Affiliated Tribes
(Mandan, Hidatsa & Arickara
Nations)**

Division of Child Support
Enforcement
P O Box 998
New Town, ND 58763

Ellen Wilson, Administrator
Email: ewilson@mhanation.com

Phone: 701-627-2860
Fax 701-627-3963

Website:

Judicial

System:

Not automated. Uses e-files
for case notes, Osage
database for case
management. Has view-only
access to the ND automated
child support system and the
Tribal Court system. Some
work done with pen/paper.

**Inter-Jurisdictional
Enforcement Requirements:**

2 certified copies of orders along
with a transmittal form indicating
what type of action is being
requested.

Tulalip Tribes

Child Support Program
8825 34th Ave. NW, L-545
Tulalip, WA 98271

Cara Althoff, Director
Email: [calthoff@tulaliptribes-
nsn.gov](mailto:calthoff@tulaliptribes-
nsn.gov)

Phone: 360-716-4556
Fax: 360.651.4592

Website:

[http://www.tulaliptribes-
nsn.gov/Home/Government/Dep
artments/ChildSupportEnforcem
ent.aspx](http://www.tulaliptribes-
nsn.gov/Home/Government/Dep
artments/ChildSupportEnforcem
ent.aspx)

Judicial

System:

**Inter-Jurisdictional
Enforcement Requirements:**

<p>Coeur d'Alene Tribe PO Box 408 Plummer, ID 83851</p> <p>Maxine Schmitz, Program Manager Email: mschmitz@cdatribe-nsn.gov</p> <p>Phone: 208-686-2070 Fax: 208-686-5805</p> <p>Website:</p>	<p>Judicial</p> <p>System: Manual</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p>
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<p>Confederated Tribes of the Colville Reservation Child Support Program PO Box 150 Nespelem, WA 99155</p> <p>Sam Ankney, Program Manager Email: sam.ankney@colvilletribes.com</p> <p>Phone: 509-634-2782 Fax: 509-634-2742</p> <p>Website:</p>	<p>Administrative</p> <p>System: WA State Support Enforcement Management System (SEMS)</p>	<p>Inter-Jurisdictional Enforcement Requirements:</p> <p>Submit all requests for assistance via the federal Child Support Enforcement Transmittal forms.</p>
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<p>Eastern Shoshone Tribe Child Support Program PO Box 1573 104 Washaki St Fort Washakie, WY 82514</p> <p>Rita Phillips, Program Manager Email: rphillips.escsp@yahoo.com</p> <p>Phone: 307-335-8371, ext. 25 Fax: 307-332-3089</p> <p>Website:</p>		
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THE NAVAJO NATION
OFFICE OF THE PRESIDENT & VICE PRESIDENT

FOR IMMEDIATE RELEASE
JUNE 9, 2009

CONTACT:
SHERRICK S. ROANHORSE
EXECUTIVE STAFF ASSISTANT
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928 871.7003 OFFICE
928.255.2132 MOBILE

Navajo Vice President Ben Shelly thanks Utah Governor Jon Huntsman for supporting state-tribal child support enforcement efforts

SALT LAKE CITY, UTAH – Navajo Vice President Ben Shelly thanked Utah Governor Jon Huntsman, Jr. for strengthening state and tribal relationships during a meeting last week.

"Through your support and efforts, many departments within the State of Utah have started consultation efforts," said Vice President Shelly. "Through partnerships and ongoing communication, the State of Utah and the Navajo Nation can provide better services for the Navajo people living in Utah."

Recently, Governor Huntsman was tapped by President Barack Obama to serve as U.S. Ambassador to China. Once confirmed by the U.S. Senate, Lieutenant Governor Gary Herbert will assume office as Governor of Utah.

"We have a collaborative relationship where we can resolve issues," said Governor Huntsman. "We need to continue close consultation with tribes and these efforts will continue with Lieutenant Governor Herbert."

Since January, Vice President Shelly, Human Resources Division Director Lawrence Oliver, and the Department of

Child Support Enforcement initiated efforts to better coordinate child support enforcement issues with the Utah Department of Human Services.

"Governor Huntsman made a commitment to work with tribes on several issues, such as child enforcement issues," said Vice President Shelly. "Progress is being made and through communication and collaboration, we can better services for the Navajo people."

In February, the Utah Legislature passed a state resolution, sponsored by Utah Rep. Christine Watkins (District 69) to request the U.S. Congress amend existing federal laws to better accommodate the need for the Navajo Nation to create its own child support enforcement tracking mechanisms.

Last year the Navajo Department of Child Support Enforcement collected \$8 million in child support for Navajo children.

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STATE/TRIBAL CHILD SUPPORT PARTNERSHIPS IN WASHINGTON STATE

Over the past 22 years, DCS and Indian Tribes in Washington State have partnered together to develop numerous child support cooperative agreements and processes to greatly improve child support services in Indian Country.

How did it start? In May 1987, DCS signed its first Cooperative CS Agreement with the Confederated Tribes of the Colville Reservation (Colville Tribes). This was the result of discussions and efforts started by the Tribe's Chief Judge, Anita Dupris, and the local DCS District Administrator, Robert Burchinal. In 1990, DCS hired Sarah Colleen Sotomish, a Quinault tribal member and attorney with expertise in Federal Indian Law, to facilitate negotiation of child support agreements.

This long-term commitment of DCS to partner with tribes has seen many positive results. Here are a few examples of our joint cooperative efforts:

- 8 (Puyallup, Port Gamble S'Klallam, Lummi Nation, Quinault Nation, Nooksack, Tulalip, Colville Confederated Tribes, Suquamish) of the 41 National Tribal IV-D Programs are in Washington State.
- 5 Cooperative Agreements are in place: Colville Tribes, Nisqually, Kalispel, Nez Perce (Idaho), and Shoalwater Bay, and each utilize tribal courts.
- Agreements were negotiated with 5 tribal TANF tribes (Lower Elwha Klallam, Colville Tribes, Nooksack, Upper Skagit, and Quileute) to provide child support services on their tribal TANF cases. Informal child support processes with 20 tribes allowing limited wage-withholding of tribal employees and/or access to tribal courts.
- As a result, culturally-relevant child support services are being provided to both Indian and non-Indian children and families.

BUILDING BLOCKS FOR SUCCESSFUL STATE/TRIBAL RELATIONS

- Recognize the sovereignty of each federally-recognized Indian tribe and work with each of them on a government-to-government basis.
- Make an organizational commitment to regularly provide staff with education and training regarding tribal sovereignty and government-to-government relations.
- Have mutual respect and a basic understanding of each other's governments.
- Regularly communicate and consult with tribes. Ask each tribe how they see child support working on their reservation. Don't just send letters, it's better to make personal contacts. Consultation needs to be at the highest level of government.
- Focus on common interests, listen to each other, build trust, and develop a shared vision.
- Accept existing legal frameworks. Recognize that each tribe has the authority to: develop its own child support laws, operate a federally-funded child support program, or develop cooperative processes. Each tribe will want to address child support differently.
- Be willing to make a long-term investment of time and resources in order to build relationships, develop partnerships and improve services. It takes a lot of hard work by both governments, and often results are not fully realized for many years. Be creative and willing to think "outside-the-box."
- Have reasonable expectations. Tribes don't want to be mini-states. Tribes have greater flexibility than states in the developing child support programs.
- With tribal collaboration, develop tribal-specific policy, procedure, forms and needed legislation.

- Child support agreements can be formal (written Cooperative Agreement and Tribal Resolution), or they can be informal (memo, letter, verbal).
- There may be issues where you need to agree to disagree and move on.
- Inform and involve partners (Community Services Division, Prosecuting Attorney, State Tribal Relations Office, Indian Policy and Support Services, etc.) regarding new state/tribal agreements, tribal IV-D programs, and tribal TANF programs.

FRAMEWORK FOR STATE/TRIBAL RELATIONS IN WASHINGTON STATE

- **EXECUTIVE MANDATE.** In 1989, Governor Booth Gardner and Tribal Chairs of federally recognized tribes in Washington State negotiated and signed a Centennial Accord. Each party to the Accord recognizes and respects the sovereignty of the other and commits to implementing a government-to-government relationship. Each subsequent Governor has reaffirmed this commitment by Proclamation.
- **DEPARTMENT POLICY.** The Department of Social and Health Services (DSHS) developed Administrative Policy 7.01, American Indian Policy, that outlines DSHS' commitment to planning and service delivery to tribes and tribal communities. Each Administration must consult tribes regarding plans, budgets, policies, operational procedures to ensure programs and services are culturally relevant.
- **LEGISLATION.** In 1997, DCS assisted in drafting tribal-specific state legislation: Cooperative Child Support Services with Indian Tribes (RCW 26.25). The legislation recognizes the sovereign relationship between the state and tribes, supports tribes operating IV-D programs, and encourages state/tribal cooperative agreements. It recognizes that the preferred method for handling cases where parties are tribal members living on the reservation, is to refer appropriate cases to tribal court.

KEY STATE/TRIBAL RELATIONS PROGRAM DEVELOPMENTS

- DCS visited and met with nearly every Tribal Council (tribe's legislative body) to discuss basic child support issues and options.
- DCS sponsored 3 statewide state/tribal/federal child support conferences (1991, 1992, and 1995) for state employees and Washington tribes.
- DCS developed and presented one-day child support workshops for tribes (judges, attorneys, council members, and department and court staff).
- In 1992 DCS established a State/Tribal/Federal Child Support Work Group comprised of representatives from tribal, state and federal governments. They met quarterly to develop and strengthen relationships, build trust, share information, seek input, discuss issues and brainstorm possible solutions.
- Early on, DCS recognized the need to develop tribal-specific child support policy, procedures and forms. Policies included: giving full faith and credit to tribal orders; refraining from sending wage garnishments to tribes and their enterprises; providing child support services for tribal TANF programs; and coordinating services with tribal IV-D programs. DCS has over 100 pages of tribal-specific policy.
- Based on Tribal recommendations, DCS centralized tribal cases in six (6) DCS field offices and appointed tribal liaisons in each office to: manage the cases, provide outreach services to tribes, serve as a local contact for tribes, develop relationships with tribes, and serve as a local contact for DCS Headquarters.
- With the AG's approval, DCS assigned tribal attorneys in six regional DCS offices to bring appropriate establishment and enforcement cases into tribal court.
- In 1997 DCS received a federal demonstration grant in partnership with the NW Tribal Court Judges' Association, to develop a tribal bench book on child support. After completing the bench book, DCS

and several tribal judges provided two days of bench book training for tribal judges from AK, WA, OR, ID and MT.

- In the mid-90's, DCS became involved in raising tribal issues with OCSE at the federal level and provided technical assistance to tribes as they voiced their concerns and needs to OCSE.
- Following the enactment of PRWORA, which provided tribes with the opportunity to operate their own tribal TANF and IV-D programs, ESA expanded their state/tribal efforts by creating the State/Tribal Relations Unit (now the State Tribal Relations Office, STRO).
- In 1999 DCS developed the first Tribal Relations Internet Site (www.dshs.wa.gov/dcs/tribal) in the nation, which offers a wealth of information and valuable resources.
- Over the years, DCS has coordinated, presented and facilitated countless state/tribal workshops and training sessions for tribal, state and federal representatives and staff.
- After a successful pilot with the Port Gamble S'Klallam Tribe, since 2006, limited read-only Web based access to the DCS Support Enforcement Management System (SEMS) has been available to tribal IV-D and IV-A programs.
- In 2007, ESA reorganized, moving 1.5 Tribal child support positions from STRO back to DCS HQ, and adding an additional 1.5 positions to create a new Tribal Relations Team (TRT).
- In 2007 DCS completed a pilot with the Colville IV-D Program, for the Tribe to use the SEMS computer system to manage child support cases. In 2008, DCS and the Colville Tribe negotiated a 3-year Agreement for the Colville IV-D Program to use SEMS as their case management system.
- In 2007, DCS negotiated child support agreements with the Shoalwater Bay and Quileute Tribes.
- In 2007 DCS completed Policy and negotiated Agreements with the Port Gamble S'Klallam and the Quinault Nation allowing DCS to perform Federal Offset on tribal IV-D or tribal TANF cases. In 2008, DCS negotiated a Federal Offset Agreement with the Quinault Indian Nation and the Lummi Nation.
- In 2008 DCS merged the Tribal SEMS Web Data Share Agreement with the ACES (IV-A computer system) Data Share Agreement, and added language allowing DCS to pass through Employment Security Wage and Unemployment information. TRT negotiated this agreement with the Port Gamble S'Klallam, Nooksack, and Tulalip Tribes.
- In 2008 DCS initiated two Strategic Planning tribal Initiatives: Tribal enhancements to the Child Support Internet Payment Service (CSIPS) site, and Formal Child Support Presentations to Tribes.
- In 2009 TRT worked with DCS staff, Tribes, and partners to finalize a Strategic Plan that includes our Vision, Mission, Values, Goals, Strategies, and 4 additional tribal Initiatives: Improve tribal affiliation coding on referrals, Develop a process to ensure regular contact with Tribes and stakeholders, Redesign the DCS Tribal Relations Website, and Develop a Tribal Relations brochure.

WHY INVEST TIME AND RESOURCES IN DEVELOPING STATE/TRIBAL RELATIONS? WHAT ARE THE BENEFITS?

- It produces measurable results, benefiting children and families. More children are now receiving child support than ever before.
- Tribal/state government-to-government relationships exist whether they are attended to or not.
- A government-to-government approach often results in additional collection remedies which only the tribe has access to: employee wages, per capita payments, trust assets, tribal license revocation, and personal and real property
- Appointing tribal liaisons and centralizing tribal cases makes sense from a business point of view. Rather than hiring new staff, centralize tribal cases in each office and seek existing staff to manage them. Tribal liaisons become the local experts for state/tribal issues and a single point of contact for Tribes and HQ staff.

- When the state and tribes seek a common goal, they are much more efficient in achieving that goal. This doesn't mean: "Do it the State's way" or "Do it the Tribe's way." It means having a shared vision and supporting different ways of achieving that end result.

LESSONS LEARNED

- Government-to-Government Relations is a continuing process. Nothing is static and relationships must evolve. There is always a lot of room for improvement.
- There are no quick fixes and it is easier said than done. It takes patience, perseverance, hard work, and is a big investment (time/resources) for both parties.
- Having consistency of key people in the process, from beginning to end, enhances successful relations.
- Parties have to feel there's a good reason to invest their time and energy to pursue this path and that there's something in it for them.
- Nurturing a government-to-government relationship takes time, but the results are worth it. Don't give up.

Division of Child Support (DCS) Tribal Relations Team (TRT)

712 Pear Street SE, PO Box 9162, Olympia WA 98507-9162

Purpose

We lead DCS's tribal relations efforts in partnership with DCS leaders, staff, and Tribes to improve the lives of children and families.

Objective

DCS and Tribes – Bridging cultures to provide exceptional child support services.

Goals

Advocate for policies, procedures, and laws that respect tribal sovereignty.
Strengthen relationships, trust, and mutual respect with all Tribes and stakeholders.
Advance intergovernmental agreements, contracts, and processes.
Provide valuable and timely education, training, and resources to DCS staff, Tribes, and partners.
Create innovative approaches to provide accessible and culturally relevant services.

For additional information, visit our website at www.dshs.wa.gov/dcs/tribal or contact us at:

- Brady Rosnagle, Manager, DCS Tribal Relations Team
rossnbx@dshs.wa.gov, 360-664-5031
- Ted Thornton, Child Support Program Administrator
tthornto@dshs.wa.gov, 360-664-5028 M,T / 425-388-7040 W,Th, F
- Sandi Cheek, Child Support Program Administrator
scheek@dshs.wa.gov, 360-664-5025

**Quinault Nation & the Modoc Tribe of Oklahoma
Child Support Programs**

present the

**8TH Annual Region 10
Tribal Child Support Training Conference
& Model Tribal System (MTS) Demonstration**
"To Hear the Smallest Voice, We Must Learn to Listen Together"

May 22 to May 24, 2012
Quinault Beach Resort and Casino
PO Box 2107, 78 St. Rte 115, Ocean Shores, WA 98569

MONDAY, May 21, 2012

3:00 pm - 6:00 pm	Early Registration
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TUESDAY, May 22, 2012

8:00 am - 9:00 am	Registration and Continental Breakfast	
9:00 am - 9:30 am (Room 1)	Opening Welcome Ceremony: Traditional Blessing: Marco Black Welcoming Address: Fawn Sharp, President, Quinault Indian Nation Conference Moderator: Sarah Colleen Sotomish	
9:30 am - 10:15 am (Room 1)	Plenary Session: MTS ROLLOUT Jerry Sweet, Director Modoc Tribe of Oklahoma Child Support Program	
[Faint text: ...]		
1:00 pm - 1:30 pm	Lunch Buffet provided in main conference room	
	<u>Room 1</u>	<u>Room 2</u>
1:30 pm - 2:45 pm	MTS - Case Management Kyla Stephens & Rachael Armstrong Oklahoma Modoc Rama Kodumagulla, Sysrad	Family Violence: Safely Pursuing Child Support Kimberly Burdick, QIN DV Program & Others

2:45 pm - 3:00 pm	Break	
3:00 pm - 4:15 pm	<p>Round Table Intertribal Full-Faith & Credit: Is It Working? Jerry Sweet & Sarah Colleen Sotomish</p>	<p>Accounting & Auditing: "How to Audit Files to catch Accounting Errors" <<PRESENTER NEEDED>></p>

WEDNESDAY, May 23, 2012

8:00 am - 9:00 am (Room 1)	Continental Breakfast	
9:00 am - 10:30 am	<p>Opening Remarks Announcements Plenary Session: Round Table Best Practices: Working with Tribal Courts 101</p>	
10:30 am - 10:45 pm	Break	
	<u>Room 1</u>	<u>Room 2</u>
10:45 am - 12:00 pm	<p>Intertribal Referrals "How we do things here..." All tribal IV-D Programs</p>	<p>MTS - Financial Management Kyla Stephens & Rachael Armstrong Oklahoma Modoc Rama Kodumagulla, Sysrad</p>
12:00 pm - 1:30 pm	BBQ Lunch provided in main meeting room	
1:30 pm - 2:45 pm	<p>Evolving Mission of Child Support: Bubble Chart in Action (Round Table) Nancy Mathieson & John Cheng ACF Region 10</p>	<p>Attorney's Roundtable Discussion of Current Issues</p>
2:45 pm - 3:00 pm	Break	
3:00 pm - 4:15 pm	<p>Can IIM Accounts be Attached for Child Support Arrears? Frank Fabunan, QIN IV-D</p>	<p>Attorney's Roundtable Continued Discussion of Current Issues</p>
6:00 pm - 8:00pm	<p>Dinner Provided: Buffet Keynote Speaker Brady Rossnagle "How States can Collaborate with Tribes" Tribal Dance Presentation: Os-Chuck-A-Bick Canoe Family drawings for fund-raising raffle</p>	

THURSDAY, May 24, 2012

8:30 am - 9:30 am (Room 1)	Continental Breakfast	
	<u>Room 1</u>	<u>Room 2</u>
9:30 am - 10:45 am	MTS Kyla Stephens and Rachael Armstrong, Oklahoma Modoc Rama Kodumagulla, Sysrad	OLDC and Grant Cycle Training Sam Stitt ACF Region 10
10:45 am - 11:00 am	Break	
11:00 am - 12:00 pm (Room 1)	Plenary Session Closing Ceremony Closing Remarks: Traditional Blessing: Marco Black	

Conference Event Descriptions

Tuesday, May 22

Plenary Session 9:30 to 10:15

2012 MTS Rollout: Jerry Sweet, Program Director, Modoc Tribe of Oklahoma Child Support Program. Jerry will present an overview of the features of the Model Tribal System (MTS) software scheduled for release to tribal IV-D programs in summer of 2012. Jerry will also discuss the advantages and drawbacks of participation in the Modoc MTS Consortium and outline the MTS breakout sessions for the rest for the conference.

Team-Building exercise 10: 30 to 1:00 pm

Os-Chuck-A-Bick Canoe Family: Conference participants will caravan to an Ocean Shores city park where they will have to opportunity to paddle in an ocean-going canoe. Groups of 10 paddlers will take a brief trip on Duck Lake, a safe environment under the guidance of an experienced captain. Those on shore will take part in fun *ice-breaker* activities until everyone wanting to paddle has a chance to do so. Personal flotation devices will be provided for everyone on the canoe. **Please remember to dress appropriately for an outdoor activity on the water. Dress casual and warm with appropriate footwear.**

Concurrent Tuesday Afternoon Sessions

Room 1 1:30 to 2:45

MTS - Case Management - Kyla Stephens & Rachael Armstrong, Modoc Tribe of Oklahoma Child Support Program, Rama Kodumagulla, Sysrad. Presenters will demonstrate the Case Management Functions of the MTS system.

Room 2 1:30 to 2:45

Family Violence: Safely Pursuing Child Support; Kimberly Burdick, QIN DV Program & Others. Panelists will discuss the connection between family violence and child support enforcement; how tribal IV-D programs can promote safe access to child support services and the resources are available to support family violence initiatives.

Room 1 3:00 to 4:15

Round Table- Intertribal Full-Faith & Credit: Is It Working? Jerry Sweet, Modoc Tribe of Oklahoma , Sara Coleen Sotomish, Tulalip Tribal IV-D Attorney will discuss the importance of granting full-faith and credit in child support cases involving more than one tribe.

Room 2 3:00 to 4:15

Accounting & Auditing: "How to Audit Files to catch Accounting Errors"; Angelia Hendrix, Suquamish IV-D Financial Specialist & Others <<OTHER PRESENTERS NEEDED>>

MTS Demonstrations - all day: Staff from the Modoc Tribe of Oklahoma will offer ongoing demonstrations of the MTS system throughout the Conference. Staff will be available to schedule one-to-one meetings with anyone interested in learning more about the MTS system or the consortium proposed by the Modoc Tribal IV-D Program. Staff request that if you are interested in a "test drive" of the MTS software, please bring your own laptop to ensure that everyone has the opportunity to work with the software.

Wednesday, May 23

Plenary Session 9:15 - 10:30

Round Table Best Practices: Working with Tribal Courts 101; Sarah Colleen Sotomish, Attorney, Tulalip IV-D;

Concurrent Wednesday Morning Sessions

Room 1 10:45 am - 12:00 pm

Intertribal Referrals: "How we do things here..."; All tribal IV-D Programs are invited to share your process for accepting inter-jurisdictional cases. This will be an opportunity for your IV-D program to inform other tribes on what you need to initiate your enforcement process.

Room 2 10:45 am - 12:00 pm

MTS - Financial Management; Kyla Stephens & Rachael Armstrong, Oklahoma Modoc Rama Kodumagulla, Sysrad

Concurrent Wednesday Afternoon Sessions

Room 1 1:30 pm - 2:45 pm

Evolving Mission of Child Support: Bubble Chart in Action (Round Table); Nancy Mathieson & John Cheng, ACF Region 10 Tribal CSE Program Specialists, will discuss OCSE's "bubble chart" and the concept of family strengthening activities is not a new idea in the Tribal child support community. Come join us for a roundtable discussion about how tribal child support programs are delivering integrated and family-centered services. This is a great opportunity to share and learn how the tribal child support program is meeting the needs of families in tribal communities in the areas of child support prevention, family violence collaboration, health care coverage, healthy family relationships, economic stability and engagement of fathers from birth.

Room 2 1:30 pm - 4:15 pm

Attorney's Roundtable; Discussion of Current Issues (2 sessions)

Room 1 3:00 pm - 4:15 pm

Can IIM Accounts be Attached for Child Support Arrears? Frank Fabunan, QIN IV-D Program Manager

Room 2 1:30 pm - 4:15 pm

Attorney's Roundtable (Continued)

Wednesday Evening Dinner

Thursday, May 24

Concurrent Thursday Morning Sessions

Room 1 9:30 am - 10:45 am
MTS, Kyla Stephens and Rachael Armstrong, Oklahoma Modoc Rama Kodumagulla, Sysrad

Room 2 9:30 am - 10:45 am
OLDC and Grant Cycle Training, Sam Stitt, ACF Region 10, Tribal CSE Financial Operations Specialist, session will provide an introduction to OLDC system for new administrators and a review for "old hands" (e.g. make sure certify/sign; need two people to officially submit). Using OLDC by Tribes with hardcopy reporting protocol - a quick illustration.

CONFERENCE CLOSING

Fundraiser

During this year's conference, the Quinault Nation Child Support Program is conducting a fund-raiser raffle as part of the Region 10 Tribal Child Support Conference at QBRC. All ticket-sales will go to benefit Bear's Gym. Since 1990, Larry "Bear" Bradley has donated countless hours to operate and train youth in boxing techniques. Bears Boxing Gym relies solely on donations from other tribal programs or individuals. Prizes have been donated by the conference participants and community members. Drawing tickets will be on sale at the registration desk for \$1.00 each or 6 for \$5.00. Drawings will be held Wednesday evening at the dinner.



PO Box 1727
319 N. Harvey Road
Seminole, OK 74818
405-582-1510
FAX- 405-582-1512
1-888-540-1501
www.modoc-cse.org

National Association of Tribal Child Support Director
P.O. Box 1110
Miami, OK 74355

Dear National Association of Tribal Child Support Directors:

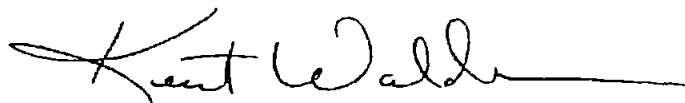
The Modoc Tribe of Oklahoma started its Tribal Child Support Enforcement office approximately 6 years ago. At that time a consortium was formed to assist, not only the members of the Modoc Tribe of Oklahoma, but several other tribes in Oklahoma, with their member's child support matters. Most of these tribes have their own tribal court, and several tribes still use a CFR court provided by the Bureau of Indian Affairs. However, all of the courts issue their own tribal orders for child support. While all of these tribal courts have their own rules and procedures, they all issue child support orders for children who are members of their tribe, regardless of whether the child lives within the tribes geographical jurisdiction or not. Many of the orders that we enforce are for children who have a parent who is not a member of the child's tribe.

I have been in child support for approximately 11 years, and in all of those years the tribal programs that I have been associated with have had a very close working relationship with the State of Oklahoma Child Support office. All of the tribal cases that our office enforces are entered into the State of Oklahoma's child support computer system, and maintained on that system, even though our office enforces the orders for child support. Applications are taken by our office from members of many different tribes, depending on whether or not our office has agreement with that tribe to provide child support services. The cases are built on the State of Oklahoma system by our staff who have been trained by the State of Oklahoma for this process. The cases are then maintained on that system for enforcement by our office. Most of the child support payments that we receive are processed thru our own payment center, however, some payments, usually monies that are owed to the State of Oklahoma is sent directly to the State of Oklahoma, or our payment center forwards monies directly to their payment center. Our office collects not only child support that is owed, but also state monies that may be due and owing to the State of Oklahoma. It is a collaborative effort on both the Modoc Tribe and the State of Oklahoma to collect, and process child support payments.

The State of Oklahoma grants full faith and credit to the orders that are issued out of our tribal courts, as do the tribal courts with the orders issued from the State of Oklahoma. Also, the State of Oklahoma, by having our tribal cases on their system, intercept the obligated parent's income tax refund for the payment of child support. The State of Oklahoma has been a partner

with the Modoc Tribe in pursuing, and enforcing tribal child support orders, and assists our tribe in any way possible for the betterment of the native children we represent. It has been a great partnership, with mutual respect for all parties involved, including the tribal court orders.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kent Walden". The signature is written in black ink and is positioned above the typed name and title.

Kent Walden, Director
Modoc Tribe of Oklahoma
Tribal Child Support Enforcement
P.O. Box 1110
Seminole, OK 74818



PHONE (360) 598-3311
Fax (360) 598-6295
<http://www.suquamish.nsn.us>

THE SUQUAMISH TRIBE

PO Box 498 Suquamish, WA 98392-0498

March 11, 2014

National Association of Tribal Child Support Directors
Kent Walden, President
PO Box 1110
21 N. Eight Tribes Trail
Miami, OK 74354

Dear National Association of Tribal Child Support Directors:

This letter addresses some of the information that we discussed at our meeting in November 2013. Below I have briefly outlined the Suquamish Tribe's child support program and our strong working relationship with the Washington State Division of Child Support.

I have been employed by the Suquamish Tribe since March, 2009 and I serve as the Program Manager of the Suquamish Child Support Enforcement Office (SCSEO). The SCSEO is an administrative agency of the Suquamish Tribe that manages our Title IV-D child support program.

The SCSEO issues and modifies administrative child support orders for children who are enrollable or enrolled in the Suquamish Tribe. The Tribe also uses a judicial process to issue child support orders for children who are enrollable or enrolled in the Suquamish Tribe ("Suquamish member children").

Some of the Suquamish member children reside on the Port Madison Indian Reservation while some of the Suquamish member children reside off-reservation.

Some of our Suquamish member children have parents who are both enrolled members of the Suquamish Tribe while some of our Suquamish member children have one parent who is enrolled in the Suquamish Tribe and one parent who is a non-member or is a non-native.

We work with Washington State in a couple of different ways: 1) the Washington State Division of Child Support refers cases to us, and 2) the State grants full faith and credit to both our judicial and administrative orders.

The Washington State Division of Child Support has an agreement with the Suquamish Tribe to refer child support cases to the SCSEO to establish child support orders for our Suquamish member children, even when a Suquamish member child has one parent who is not a member of the Suquamish Tribe. The State also refers cases to SCSEO to enforce child support obligations including situations where the parents and children are not Suquamish tribal members but the parent obligated to pay child support is employed by the Suquamish Tribe, its agencies, enterprises, departments, or businesses.

Prior to the establishment of the Title IV-D program in 2009, Washington's Division of Child Support had an informal agreement with the Suquamish Tribe to have the state's attorney join the Suquamish Tribal Bar Association and appear in Suquamish Tribal Court when the state needed to establish a child support order for a Suquamish member child.

Since the Suquamish child support program started in March of 2009, the SCSEO has issued child support orders for Suquamish member children that include: 1) children who live on the Port Madison Indian Reservation and have two parents who are enrolled members of the Suquamish Tribe; 2) children who live on reservation and have one parent who is not enrolled in the Suquamish Tribe; 3) children who

live off reservation and have two parents who are both members of the Suquamish Tribe; and 4) children who live off reservation and have one parent who is not a member of the Suquamish Tribe.

The State of Washington grants full faith and credit to these administrative orders. Further, on a number of occasions the State has submitted cases with these orders to the Internal Revenue Service to intercept the obligated parent's income tax refund for the payment of child support. The State also has agreed to enforce these tribal child support orders when cases are referred to them by the Suquamish Tribe that require the State's assistance in enforcing these orders under the State's jurisdiction.

Sincerely,

Leroy "Bill" Paine

Leroy (Bill) Paine
Child Support Program Manager
Suquamish Child Support Enforcement Office



MENOMINEE TRIBAL CHILD SUPPORT AGENCY

P.O. Box 520
Keshena, Wisconsin 54135
Telephone: (715)-799-5290

March 12, 2014

To: NATCSD

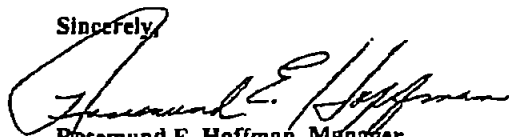
It is the mission of the Menominee Tribal Child Support Agency to encourage parental responsibility and financial security for children by providing services to families and children in the establishment of paternity and establishment and enforcement of child, family and medical support.

The Menominee Tribal Child Support Agency (MTCSA) was created under Tribal Ordinance 85-22, Financial Support of Children. Tribal Ordinances were codified in FY2012 and the Financial Support of Children Ordinance was re-numbered as MITW Code §368, Article 111. Article 111 designates the MTCSA to administer Title IV-D Child Support services. The authority to operate a IV-D child support program is provided in Title IV, Part D of the Social Security Act. MTCSA is required to comply with federal regulations delineated in 45 CFR Section 309 Final Rule-Child Support Enforcement in addition to Full Faith and Credit for Child Support Orders Act 28 U.S.C.1738B (FFCCSOA) and other federal and Tribal Regulations. The primary functions of the MTCSA include: Intake, Locate, Paternity Establishment, Support Establishment and Enforcement, Case Management and Inter-jurisdictional Establishment and Enforcement.

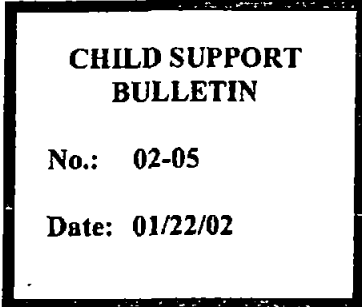
The Menominee Tribal Court has jurisdiction over all persons living or working within the exterior boundaries of the Menominee Indian Reservation. A Menominee Tribal Court order is required before the MTCSA can provide services. Once an order is established, the MTCSA is required to provide services consistent with the order of the Menominee Tribal Court. The Tribal Court has exclusive jurisdiction in actions in which the alleged person resides or is domiciled on the Menominee Reservation for establishing paternity and establishing and enforcing child support. The Tribal Court also recognizes orders from foreign court and determines child support establishment and/or enforcement of orders which includes children who may or may not be enrolled and do not live on the Menominee Indian Reservation. We have numerous child support cases which include one non-member parent. The Menominee Tribal Court routinely issues orders for these cases and the State of Wisconsin recognizes and enforces these Tribal Court orders. When the Tribal Court enters an order and requests enforcement from Wisconsin, other Tribes, and other State Child Support Agencies with jurisdiction of the non-custodial parent, the order must be recognized and enforced. Likewise, MTCSA is required to enforce order from other jurisdictions upon request.

I have attached a copy of the Wisconsin Child Support Bulletin which reinforces the State of Wisconsin Bureau of Child Support policy.

Sincerely,


Rosemund E. Hoffman, Manager
Menominee Tribal Child Support Agency

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT
Division of Workforce Solutions
Bureau of Child Support



**TO: Child Support Directors
Child Support Supervisors or Lead Workers
Child Support Attorneys**

**FROM: Susan E. Pfeiffer
Director
Bureau of Child Support**

SUBJECT: Full Faith and Credit -- Tribal Child Support Agencies

This child support bulletin defines how county child support agencies should work with tribal child support agencies to establish and enforce child support orders for paternity or child support orders.

Tribal child support enforcement agencies are not required under federal regulations to adopt UIFSA; they must, however, adhere to federal regulation based on United State Codes, including the United State Codes that regulates full faith and credit of child support orders.

28 USC 1738B defines "state" to include Indian Country. 28 USC 1738B (a)(1) also provides that the appropriate authorities of each state shall enforce according to its terms a child support order made consistently with this section by a court of another state and shall not seek or make a modification of such an order except in accordance with 28 USC 1738B (e)(f)(i). This US Code citation also outlines continuing exclusive jurisdiction, controlling order, and registration for modification guidelines.

According to OCSE AT 98-21, when a tribal court enters a child support, that order must be enforced by a state child support agency upon request by a tribe. Likewise, when the state court or state administrative agency enters a child support order, the order must be enforced by a tribe when requested by a state agency. If a non-custodial parent subject to a tribal order moves from the reservation, the state may be asked to enforce the tribal court order. If a non-custodial parent subject to a state court order moves onto a reservation, the tribe may be asked to enforce the state court order.

Usually, neither the tribe nor the county agency may modify a child support order entered by the other jurisdiction, or enter a new order if a pre-existing order is in place. Tribal orders and county orders are to be given full faith and credit, under federal law.

To request enforcement or other assistance from a tribal child support agency, the county agency is to contact the tribal child support office to determine what information and procedures are required by the tribal agency. Each tribe has its own internal processes for case registration, including different forms.

In the event the tribe does not have a tribal child support agency, the county agency should contact the tribal court to find out what process the court may use to enforce state child support orders. Information about Wisconsin Tribes may be found in the Wisconsin Child Support Directory and Resource Book.

Usually, a county child support agency may not send a direct income withholding notice to a tribal employer (i.e. a casino). If the non-custodial parent (for both tribal and non-tribal members) works for a tribal employer, the state agency may have to register the state order in the tribal court and the tribal court will issue its own income withholding order and send it to the tribal employer. The state agency should ensure that the tribe will direct all child support payments to the Wisconsin Support Collections Trust Fund so that the non-custodial parent receives the appropriate credit for child support payments withheld from tribal income.

If you have any questions regarding Full Faith and Credit when working with Tribal Child Support Agencies, please contact the KIDS Call Center, 608-261-6826.

cc: BCS Staff
Nancy Buckwalter
Troy Meyer
Regional Offices
Eric Baker, Ron Hunt, Mary Rowin - AO



Nez Perce Tribe

Child Support Enforcement Program
P.O. Box 365 • Lapwai, ID 83540 • 208.843.7362 • FAX 208.843.7388

March 14, 2014

National Association of Tribal Child Support Directors
P.O. Box 1110
Miami, OK 74355

Dear National Association of Tribal Child Support Directors:

The Nez Perce Tribe Child Support Enforcement Program (NPT CSEP) was developed and became comprehensive in April 2009. We have a Memorandum of Understanding (MOU) with the state of Idaho. The MOU spells out expectations of each party including Title IV-D compliance, Data Sharing, Reciprocal Recognition, Registration of Foreign Judgment and services the state provides in order to assist the Tribe as well as services the Tribe provides to assist the state.

The state of Idaho extends its services available under its Title IV-D plan to all Tribal IV-D programs. These services include quick locate services, withholding of unemployment, garnishment of lottery winnings, or State Industrial Commission benefits, Liens, garnishment including but not limited to worker's compensation, and/or insurance settlements. The state assists with genetic testing where an individual resides outside the reservation boundaries. Upon our request they will conduct bank attachments, license suspensions and voluntary wage assignments for State of Idaho employees.


The NPT CSEP coordinates services with Idaho on a daily basis, as well as other states including Washington, Montana, Oregon, New Mexico, Wyoming, South Dakota, Rhode Island, Arizona, North Dakota, California, Wyoming, and Maryland. These states reciprocate our requests for establishment and enforcement when needed. Since we reside in the state of Idaho, and are within a short distance of the Washington border we collaborate more frequently with Idaho and Washington. Each state we have worked with communicate critical case information in a timely manner via telephone, secured e-mail, fax, Federal Interstate forms, US mail, and DCS networking systems.

Furthermore, if an IV-D state or tribe sends us a request for establishment, enforcement, modification, etc. we assist them in a timely manner assuming we have jurisdiction.

The NPT CSEP and our partnering states have an excellent collaboration which meets the needs of our clients. In some instances the state may request our assistance to garnish income or tribal dollars in which the state would not otherwise have access to, and we make the same requests of them for dollars the tribe does not have access to such as unemployment, bank attachments, driver's license suspension, and insurance settlements to name a few.

If you have further questions please feel free to contact me at 208-843-7362 ext. 3869.

Sincerely,


Crescentia R. Hills, Director
Nez Perce Tribe Child Support
Enforcement Program