

TRIBAL IV-D
COMPREHENSIVE PROGRAM
INFORMATION

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PUYALUP TRIBE CHILD SUPPORT PROGRAM

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Office of Child Support Enforcement

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This document was originally produced by Ms. Gloria Howard of the Puyallup Tribe. ACF/OCSE/DOSS staff has modified it to update the list (p.2) of Comprehensive Tribal programs, which changes periodically. In view of these periodic changes, we have also modified the section on Tribal IV-D Program Information and Non-Tribal IV-D Tribal Child Support Enforcement so it can provide the reader with current information by providing links to governing process information of the Tribes as well as contact information. These links include: the Bureau of Indian Affairs Tribal courts list; the National Tribal Judges website where Tribal Courts are listed by Tribe and State; and the OCSE Intergovernmental Referral Guide (IRG).

What authorizes direct federal funding for tribal child support programs

The personal responsibility and work opportunity reconciliation act of 1996 (PRWORA), public Law 104-193) and amended by the Balanced Budget Act of 1997 (Public Law 105-33) authorizes the direct funding of tribal child support enforcement programs by the federal government. The Department of Health and Human Services published a Notice of Proposed Rule Making (NPRM) and interim final rule in August 2000 providing the mechanism for tribes to submit Child Support Enforcement (CSE) plans and, upon approval, to receive direct federal funding of Tribal operated programs.

The Final Rule for Tribal Child Support Enforcement Program, published March 30, 2004, allows funding to Indian Tribes and Tribal organizations under section 455(f) of the Social Security Act, by authorizing direct funding of Tribal Child Support Enforcement programs meeting requirements contained in the statute and regulation.

To receive funding, Tribes must meet the objectives of the program, including establishment of paternity; establishment, modification, and enforcement of support orders, and location of absent parents. Initially, the Federal government will pay 90 percent of reasonable and necessary costs of the programs. Tribes and Tribal organizations will be required to make contributions of 10 percent.

As of November 19, 2008, the following 30 Tribes have been approved to operate their own child support programs:

- ◆ Chickasaw Nation, OK
- ◆ Forest County Potawatomi Community, WI
- ◆ Lac du Flambeau Band of Lake Superior Chippewa Indians, WI
- ◆ Lummi Tribe, WA
- ◆ Menominee Tribe, WI
- ◆ Navajo Nation, NM
- ◆ Port Gamble S'Klallam Tribe, WA
- ◆ Puyallup Tribe of Indians, WA
- ◆ Sisseton-Wahpeton Oyate, SD
- ◆ Central Council Tlingit & Haida Tribes, AK
- ◆ Cherokee Nation, OK
- ◆ Osage Nation, OK
- ◆ Quinault Indian Nation, WA
- ◆ Confederated Tribes of Umatilla, OR
- ◆ Oneida Tribe of Indians, WI
- ◆ Modoc Tribe of Indians, OK
- ◆ Three Affiliated Tribes, ND
- ◆ White Earth Nation, MN
- ◆ Penobscot Nation, ME
- ◆ Muscogee (Creek) Nation, OK
- ◆ Keweenaw Bay Community, MI
- ◆ Ponca Tribe, OK
- ◆ Kaw Nation, OK
- ◆ Red Lake Band of Chippewa Indians, MN
- ◆ Nooksack Indian Tribe, WA
- ◆ Mescalero Apache Tribe, NM

- ◆ Klamath Tribes, OR
- ◆ Northern Arapaho Tribes, WY
- ◆ Comanche Nation, OK
- ◆ Kickapoo Tribe, KS

Under the Final Rule the following services must be provided:

- Paternity establishment
- Establishment, modification and enforcement of child support orders
- Location of non-custodial parents

Key Differences and Similarities of Tribal Programs

The Uniform Interstate Family Support Act (UIFSA) will not be adopted by any tribe. Tribes operate under the Full Faith and Credit to Child Support Orders Act (FFCCSOA) 28 U.S.C. 1738 B.

Some Tribes have adopted their own codes/laws but have incorporated their State's child support statutes by reference while other Tribes have written their own codes/laws, procedures and policies to govern their child support program. The information required by each agency will vary according to their laws and policies.

Most Tribes have a court order process. Some have Code of Federal Regulation (CFR) courts and some have Tribal Courts. The Navajo Nation has an administrative process.

Some Tribes operate their own Temporary Assistance for Needy Families (TANF) programs. For those Tribes that do not have their own TANF, their members receive TANF benefits through the states' system.

Some Tribal child support programs use the computer systems within their corresponding state while others are not yet computerized and operate using manual systems.

A few Tribes have agreements with their individual states or counties for personal services on their reservation, although most do not.

Administrative hearings may or may not be provided within the Tribal programs.

Some Tribes will accept default orders (court or administrative), most will not.

Some Tribes will require paternity testing based on their codes/laws if the original order does not meet certain criteria.

Some Tribes will accept a standard UIFSA transmittal, some will not. It is recommended that you contact the Tribe to discover what paperwork is necessary for them to process your request.

Contact the Tribe in question prior to sending a case to them to determine if it meets that Tribe's jurisdictional requirements. (i.e., one or more parties a member of the Tribe, one or both parties reside on the reservation or Indian land, non-custodial parent is employed by Tribal entity, etc.) Requirements will not be the same for all Tribes.

IV-D and Non IV-D Tribal Child Support Enforcement

Requirements: It is recommended that you contact the Tribe in question before sending a request to discuss jurisdictional issues. 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).

Tribal IV-D Program information

Several Tribal Comprehensive Programs provide information on the processes that govern their programs in the OCSE Intergovernmental Referral Guide.

<http://ocse.acf.hhs.gov/ext/irg/sps/selectastate.cfm?CFID=356019&CFTOKEN=326af93d37b2227e-3F1078AE-0746-B203-A9036EB26853A0BA>

Contact information is provided at

<http://ocse.acf.hhs.gov/int/directories/index.cfm?fuseaction=main.tribalivd>

Non IV-D Tribal Child Support Enforcement

Information on contacts for Tribes is provided on

- Bureau of Indian Affairs (BIA) List of Tribal Courts:
<http://web.archive.org/web/20010413171105/http://www.doi.gov/bia/courts/phoenix.html>
- National Tribal Justice Resources Center: Tribal Courts by State and Tribe
<http://www.ntjrc.org/tribalcourts/onlinedirectory.asp>

Tips for Working with Tribes

- Be Respectful
- Have patience. Tribal child support issues are new to many Tribes and states.
- Recognize that although Tribal CSE processes might differ from the state's, they are just as effective, if not more so.
- Make contact with the Tribal Child Support Agency (TCSA) in your area. Coordinate a meeting to introduce staff, both theirs and yours. Discuss how both programs can work together in the most effective and efficient manner. If the Tribe does not have a child support program, contact the Tribal Court or Tribal Law Office for contact information.
- Cultural differences can create communication challenges. Keep an open mind, focus on solutions and always maintain your focus on how best to provide services to the children.