

TRIBAL CHILD SUPPORT 101

JERRY SWEET
LISA SKENANDORE



Tribal Child Support Basic Questions?

- WHAT DO YOU THINK OF WHEN YOU HEAR THAT TRIBES OPERATE THEIR OWN CHILD SUPPORT PROGRAM?
- WHAT CONCERNS DO YOU HAVE?
- WHAT ARE THE BENEFITS TO STATES WITH TRIBES OPERATING THEIR OWN PROGRAM?
- WHY DO TRIBES OPERATE THEIR OWN PROGRAM?

State and Tribal Programs

- WHO PROVIDES BETTER SERVICE?
 - Equal partners both working towards a common goal. It's just a different road.
 - Tribal members have a cultural responsibility to provide for their children. They may be more willing to work with their own tribal program as to avoid further tribal consequences.

State and Tribal Programs

- DO TRIBES HAVE TO DEVELOP PROGRAMS JUST LIKE THEIR STATE?
 - Tribal regulations are located at 45 CFR Part 309
 - Tribal regulations differ from State regulations.
 - Tribes have no obligation to create or mimic their State child support program.
 - Often Tribes will utilize the same guidelines as their respective State for continuity of service and to avoid forum shopping.

JURISDICTION

- WHO DECIDES WHO HAS JURISDICTION?
- WHEN DOES A TRIBE HAVE JURISDICTION?
 - Tribal jurisdiction is defined by the individual tribe per the federal regulation. Each will be different.
- WILL A TRIBE GIVE FULL FAITH AND CREDIT TO STATE ORDER?
- WHEN DOES A STATE TRANSFER A CASE TO A TRIBE?

INCOME WITHHOLDING

- HOW DO STATES PROCESS A IWO FOR AN INDIVIDUAL WHO WORKS FOR TRIBES?
 - Many Tribes require that an IWO along with a certified copy of the court order be registered in tribal court to be recognized. This often applies with Tribes that do not have a IV-D program as well.

INCOME WITHHOLDING

- CAN THE IWO BE SENT DIRECTLY TO THE TRIBAL FINANCE OFFICE?
 - Each Tribe will have it's own law or policy that outlines the procedure for enforcing an IWO on a tribal employer.

INCOME WITHHOLDING

- CAN A STATE ATTACH CASINO WINNINGS?
 - It's at the individual Tribe's discretion whether or not casino winnings are attachable.
- CAN PER CAPITA BE ATTACHED?
 - Tribes typically have a per capita law that addresses if and for what purposes it can be attached.
 - Oneida allows attachment for only three purposes: 1. child support arrears 2. tribal debt 3. federal tax levy

SERVICE

- HOW CAN STATES GET PERSONAL SERVICE ON TRIBAL MEMBERS?
- HOW CAN I VERIFY IF SOMEONE IS A TRIBAL MEMBER?
- WHAT IF A CHILD IS ELIGIBLE FOR ENROLLMENT WITH A TRIBE, WHAT SHOULD A STATE OFFICE DO?

STATE AND TRIBAL PARTNERSHIPS

- WHY ARE PARTERSHIPS BETWEEN TRIBES AND STATES IMPORTANT?
- WHAT IF I DON'T HAVE A TRIBE IN MY STATE?
- HOW DO I KNOW IF A TRIBE HAS A CHILD SUPPORT PROGRAM?
 - Utilization of OCSE website
- WHAT IS THE FUTURE FOR TRIBAL CHILD SUPPORT PROGRAMS?

Questions?

Thank You!

Jerry Sweet

1 Family Services in Indian Country

jsweet@1fsic.com

Lisa Skenandore

Systems & Methods Inc.

lisa.skenandore@smimail.net