



Anchorage, Alaska
September 24-28, 2017

TRIBAL CHILD SUPPORT BACK TO THE BASICS

Moderator: Lisa Skenandore

Presenters: Sue Smith, Lac Courte Oreilles Tribe

Awendela Dana, Penobscot Nation



Tribes in the United States

- There are 567 Federally recognized Tribes in the United States
- There are tribes that are not recognized by the Federal Government. They cannot access any federal grant monies
- Each Tribe is very unique and have their own Tribal laws, customs and traditions
- Penobscot Nation Tribe
- Lac Courte Oreilles Tribe



Tribes as Sovereign Nations



- Tribes are considered sovereign nations
- Nation within a nation
- Two major pieces of legislation that affect tribal self-determination and tribal self-governance are the Indian Self-Determination and Education Assistance Act of 1975 and the Tribal Self-Governance Act of 1994
- Through these laws, Congress accorded tribal government the authority to administer programs and services to their own tribal members.
- Both upheld tribal consultation in which the federal government consults with tribes on federal actions, policies, rules or regulations that will directly affect Tribes



Tribe's Right to Self Govern

- Tribes have the right to self govern except in some cases in which tribes have relinquished certain rights under treaties with the Federal government.
- (<https://www.indianaffairs.gov/FAQs/index>)
- Tribes can define membership, regulate domestic relations, levy taxes, regulate tribal property, create tribal law/ordinances and have their own tribal courts. (<https://www.indianaffairs.gov/FAQs/index.htm>)
- Limitations of tribes are similar to that of states: power to make war, engage in foreign relations or print/issue currency. Tribes and states cannot do any of the above.
(<https://www.indianaffairs.gov/FAQs/index.htm>)

Jurisdiction



- Some Tribes may have exclusive jurisdiction of their own tribal matters
- Tribes have the right from the federal government to have jurisdiction of their own tribal members and tribal matters
- Other Tribes may have concurrent or shared jurisdiction over certain matters. Ex: Domestic Violence for Penobscot Nation, criminal issues
- Does the state assist your tribe with certain tribal related matters?

Tribal Services

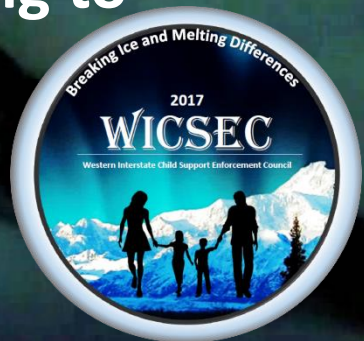
- Tribes have a variety of services depending on their Tribe, funding and availability of grants
- Some Tribes have their own Tribal Court, Police Department, Fire Department, Education Department, Youth Programs, Child Support Enforcement and Indian Health Services



Indian Health Services (IHS) Overview

- IHS is an agency within the Department of Health and Human Services
- Responsible for providing health services to American Indian and Alaskan Natives. Members of Federally recognized tribes
- The goal of IHS is to raise health status of Natives to the highest possible level
- IHS is the principal federal healthcare provider and health advocate for Native people
- IHS provides service to approximately 2.2 million people who belong to the 567 federally recognized Tribes

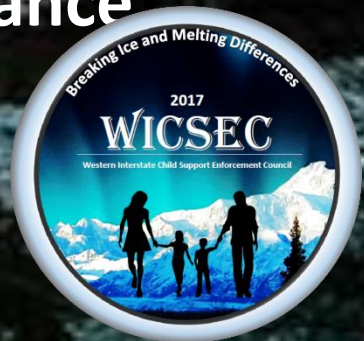
(all information from <https://www.ihs.gov/aboutihs/>)



IHS Information continued

- Mission of IHS: To raise the physical, mental, social and spiritual health of American/Alaskan Natives to the highest level.
- Tribal member and descendants are eligible for healthcare
- Native Americans have lower health and a life expectancy 4.4 times lower than all other races in the U.S.
- Today due to self governance laws, Tribes have the flexibility to tailor healthcare services for their community.

(<https://www.ihs.gov/aboutihs/> Fact Sheet: Tribal Self Governance



“Health status is not just a healthcare issue. It is about ensuring that there are adequate economic, employment, educational opportunities, safe communities and suitable housing. These things and more all work in concert to affect health status. It is therefore vital that all available resources, federal and private sector, be brought to bear on Indian Health Services.”

(<http://www.ihs.gov/aboutihs/>)

Loved this quote because this ties right into child support as well. Tribal child support helps to bring money to families that are already having a hard time. It is critical for tribes to handle their own tribal matters and tribal children ,families and money (child support enforcement) are a part of that.



Child Support

- There are currently 60 plus Tribal child support programs which outnumber state programs
- Tribes have collected over \$50 million in FY 2015
- A list of tribal child support programs can be found at:

<https://www.acf.hhs.gov/css/resource/tribal-child-support-agency-contacts>





Regulations for Tribal Child Support

- Tribal Child support program requirements are found at 45 CFR 309
- **BUILDING A TRIBAL IV-D PROGRAM: A GUIDE TO THE START-UP APPLICATION PROCESS** is found at:
- https://www.acf.hhs.gov/sites/default/files/ocse/im_05_06a.pdf
- Other Tribal Child Support Resources can be found on the Office of Child Support Enforcement website:
- <https://www.acf.hhs.gov/css/child-support-professionals/tribal-agencies>

14 Elements of a Tribal Child Support Program

- Description of population to be served
- Procedure for accepting/processing applications
- Due process rights protected
- Admin/Mgmt. procedures in place
- Safeguarding
- Maintenance of records
- Tribal laws and regulations
- Locate



14 Elements continued...

- Establish Paternity
- Establish/Modify CS Obligations
- Income withholding
- Distribution of collections
- Intergovernmental case processing
- Tribally determined performance targets



Intergovernmental Requirements

- Tribes, states and federal government are to work together
- In the Child Support enforcement program, states follow UIFSA 2008 and Tribes follow Full faith and credit. Both of these have regulations to guide States and Tribes on how to work together
- Tribes and states should work together on child support cases.



Tribal Systems

- Tribes have the ability to decide what if any case management system to utilize.
- Not all tribes have an automated system
- Model Tribal System was developed by OCSE with the tribes



Communication Is Key

- Both States and Tribes are working for the children and families that they serve.
- We have many examples of true partnerships between the two.
- Network and reach out – seek information if you have questions.



Questions? Thank You!

Sue Smith

Sue.Smith@lco-nsn.gov

Phone: (715) 634-8934

Awendela “Mali” Dana

Awendela.Dana@penobscotnation.org

Phone: (207) 817-3165 ext. 3

