

State Tribal Relations for Child Support Cases

Presented by

Washington State Department of Social and Health Services – Division of Child Support

The Confederated Tribes of the Colville Reservation Tribal Child Support Program

Oregon Department of Justice Division of Child Support

The Confederated Tribes of the Umatilla Indian Reservation Office of Child Support Enforcement

WICSEC 2021

Presenters

- Chris Franks
Senior Manager of Tribal Relations
Washington Department of Social & Health Services Division of Child Support
- Tara Miller
Spokesperson/Advocate
Confederated Tribes of the Colville Reservation Child Support Program
- Erin Biencourt
Manager & Attorney
Confederated Tribes of the Umatilla Indian Reservation Office of Child Support Enforcement
- Dawn Marquardt
Deputy Director and Statewide Tribal Liaison
Oregon Department of Justice / Oregon Child Support Program

Do You Know

- Who do you work for?
- How many federally recognized Tribes are in your state?
- Do you know how many federally recognized Tribes are in your neighboring states?
- How many Tribes are operating a child support or TANF program?
- In your state, do Tribes already have an established relationship with the state child support program?
- Does your state have Tribal consultation requirements?

Historical Background of State and Tribal Child Support Programs

- Federal Child Support Enforcement Program enacted in 1975
 - States required to provide services to Tribal members if part of their state
 - Tribes not specifically included in CSE statute
- 1996 Welfare Reform law (P.L. 104-193 – known as PRWORA)
 - Allowed a state with Indian country within its borders to enter into cooperative agreement with Tribes if they had established court system with authority to establish paternity, and establish, modify & enforce child support orders
 - Allowed Secretary of federal HHS to make direct payments to Tribes with approved CSE programs
 - To implement the funding, OCSE announced Special Improvement Project (SIP) grants to Tribes to establish or enhance Tribal child support program

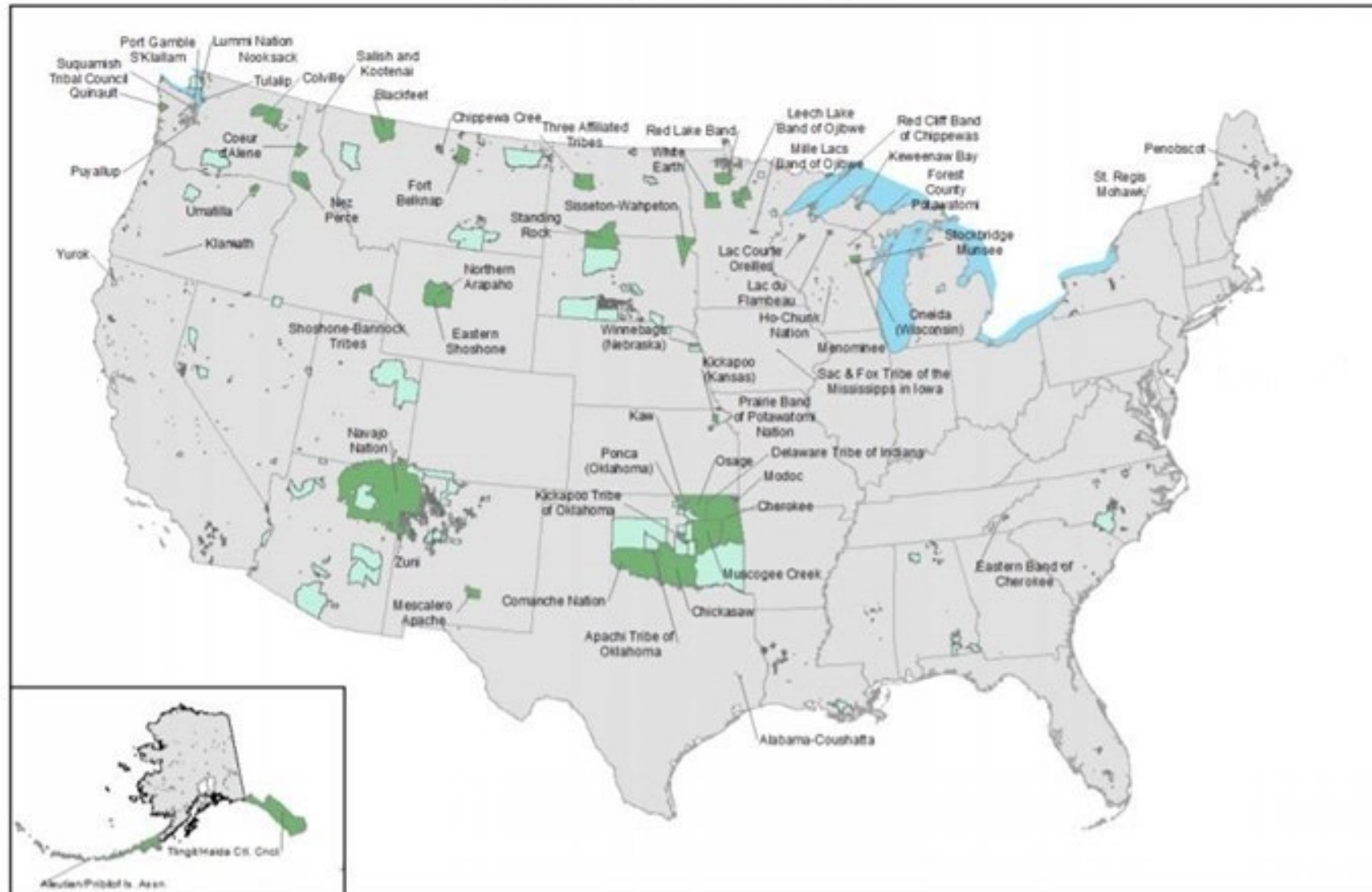
Why is Tribal Child Support Important

- Currently 60 tribes operate child support programs, providing services to Native American families consistent with tribal values and cultures.
- Like their state counterparts, tribal child support programs locate custodial and noncustodial parents, establish legal fatherhood (paternity), establish child support orders, and enforce orders.
- In fiscal year (FY) 2014, Tribal IV-D programs collected and distributed over \$36 million. By FY2018, tribal IV-D collections increased to nearly \$55 million.

Keep in Mind

- Tribes are unique, sovereign governments
 - Sovereignty is ...
 - ...the inherent authority of a nation to govern itself
 - ...the power to engage in commerce
 - ...the power to make its own laws and punishments
 - ...the right to practice its religions
 - Without interference
- Tribes exercise their jurisdiction differently
 - Just as different states operate differently, Tribes do too
 - Tribes will not always agree with other Tribes
- States are unique too

Figure 1. Map of Tribal CSE Programs



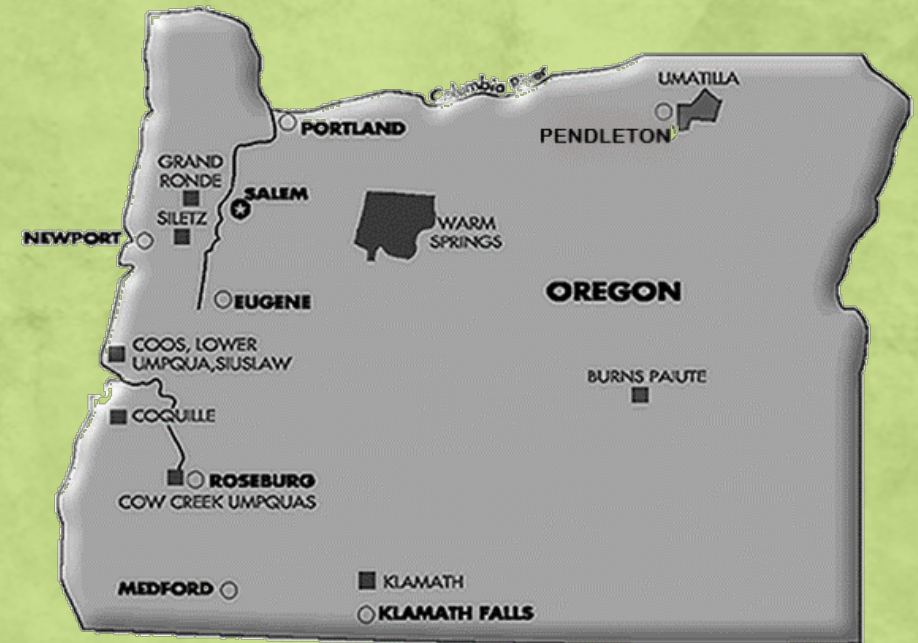
29 Federally Recognized Tribes in Washington



- Chehalis
- Colville
- Cowlitz
- Hoh
- Jamestown S'Klallam
- Kalispel
- Lower Elwha Klallam
- Lummi
- Makah
- Muckleshoot
- Nisqually
- Nooksack
- Port Gamble S'Klallam
- Puyallup
- Quileute
- Quinalt
- Samish
- Sauk-Suiattle
- Shoalwater Bay
- Skokomish
- Snoqualmie
- Spokane
- Squaxin Island
- Stillaguamish
- Suquamish
- Swinomish
- Tulalip
- Upper Skagit
- Yakama

9 Federally Recognized Tribes in Oregon

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua & Siuslaw
- Confederated Tribes of Grande Ronde
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Warm Springs Reservation
- Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Klamath Tribes



Washington State Tribal Relations History

1987
Colville
Tribes/DCS
sign
cooperative
agreement

1994
Swinomish
Tribe approves
policy allowing
garnishment
of non-Indian
wages for child
support

1997
DSHS creates
a State Tribal
Relations Unit
(STRU)

1989
Tribes and
Governor of
WA sign
Centennial
Accord

1996
PRWORA
allows federal
funding for
tribal IV-D and
TANF
programs

2000 - present
Puyallup, Lummi Nation,
Port Gamble S'Klallam,
Quinault Nation,
Nooksack, Suquamish,
Tulalip and Colville Tribes
all open IV-D programs₁₀



Oregon State Tribal Relations History

Government to Government Relations

- Legislative Commission on Indian Services (LCIS) created in 1975 to improve services with American Indians in Oregon & promote communication and relations between the State of Oregon and federally recognized Indian Tribes in Oregon
- Executive Order 96-30 purpose: to establish process which can resolve potential conflicts, maximize key intergovernmental relations, and enhance an exchange of ideas and resources for the greater good of Oregon's citizens

EO 96-30 Codified in 2001 -ORS 182.162-.166

- Requires training be provided to State agency managers and employees who have regular communication with Tribes
- Annual meeting of representatives of State agencies and Tribes
- Annual agency report to governor and LCIS on activities related to Tribal Relations

Tribal Relations in Oregon

ORS 182.164

A state agency shall develop and implement a policy that:

- Identifies individuals in agency who are responsible for developing and implementing agency programs that affect tribes.
- Establishes process to identify programs that affect tribes.
- Promotes communication between agency and tribes.
- Promotes positive government-to-government relations between the state and tribes.
- Establishes method for notifying agency employees of the provisions of ORS **182.162** to **182.168** and the policy the agency adopts under this section.



Where Are We Now?



Washington State

- **8 Tribal IV-D Programs:**

- Confederated Tribes of the Colville Indian Reservation
- Puyallup Tribe of Indians
- Suquamish Tribe
- Tulalip Tribes
- Quinault Nation
- Port Gamble S'Klallam Tribe
- Nooksack Tribe
- Lummi Nation

- **25 Tribal Liaisons as well as numerous Tribal Relations staff**

- **11 Tribal TANF/Self-Sufficiency Programs**

- Confederated Tribes of the Colville Indian Reservation
- SPIPA consortium
- Spokane Tribe of Indians
- Tulalip Tribes
- Quinault Nation
- Port Gamble S'Klallam Tribe
- Nooksack Tribe
- Lummi Nation
- Lower Elwha Klallam Tribe
- Upper Skagit Tribe
- Quileute Tribe

Colville Program

- Colville Tribes' Child Support Program (CTCSP) employs 14 staff, 10 who manage caseloads
- 2,200 cases in entire CTCSP caseload
- 1,122 intergovernmental cases shared by CTCSP and DCS
- Average collections are just under \$75K/month
- Total annual collections \$418,079 on CTCSP cases



Oregon State

- **2 Tribal IV-D Programs**

- Confederated Tribes of the Umatilla Indian Reservation
- Klamath Tribes

- **2 Tribal TANF/Self-Sufficiency Programs**

- Klamath Tribes
- Confederated Tribes of Siletz Indians

- **DCS Tribal Liaisons** - Located in 5 offices across the state, based on caseload distribution and proximity to each Tribe

- Albany
- Bend
- Pendleton
- Roseburg
- Salem - statewide

Confederated Tribes of the Umatilla Indian Reservation Office of Child Support Enforcement

- Comprehensive IV-D Program since 2008
- Number of Staff: 5
- Average between 200-300 open cases
- Collections average \$396,000 annually
- 75% of our collections are on "foreign" cases



Oregon and CTUIR – Intergovernmental Relationship

- Send UIFSA request to Tribal IV-D for establishment or enforcement; requires two certified copies of orders
- Requests for IWO of Tribal employee registered through Tribal IV-D
- Allows for garnishment of quarterly dividends, coordinated through Tribal IV-D. Generally, request must be made directly by custodial parent and only applied to family debt.
- For FFY 2020, Oregon collected \$218,780 on cases where at least one of the participants is identified as a CTUIR member
- For FFY 2020, Oregon collected \$1,075,005 where at least one parent was an enrolled member of an Oregon Tribe.

Tribal/State Jurisdiction: Who Has Jurisdiction?

- Enrolled Tribal membership or Tribal descent?
- Party living on Tribal land?
- Employment at a Tribal business?
- Benefits expended or services provided by a Tribal program?
- Is there *concurrent* jurisdiction?

Best Practices

What's Working Well? – Washington/Colville

- Communicating regularly and often
- Seeking input
- Data-sharing agreements
- Sharing responsibility

Tribes are
NOT just
stakeholders!



What's Working Well? – Oregon/CTUIR

- Frequent Communication
- Annual State/Tribal Meeting
- Dedicated Tribal Liaisons
- Open & Ongoing Dialogue



Building Relationships

- Cultivate your own network
- You can start small!
- Be a resource

Trust takes
time!



Challenges

Challenges When Working State/Tribal Cases

- Identifying cases promptly
- Jurisdiction
- Time and resource commitments
- Data access

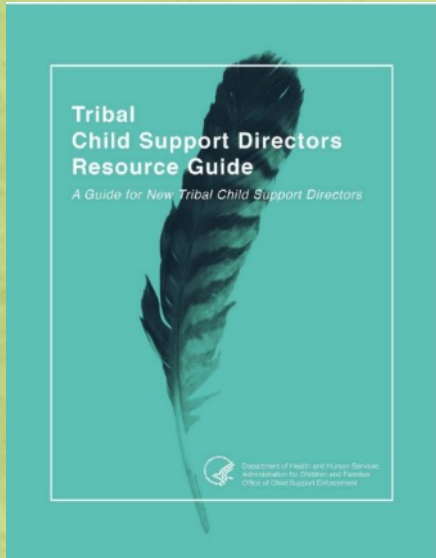


Where Can I Find More Info About Tribes and Tribal Child Support Programs?

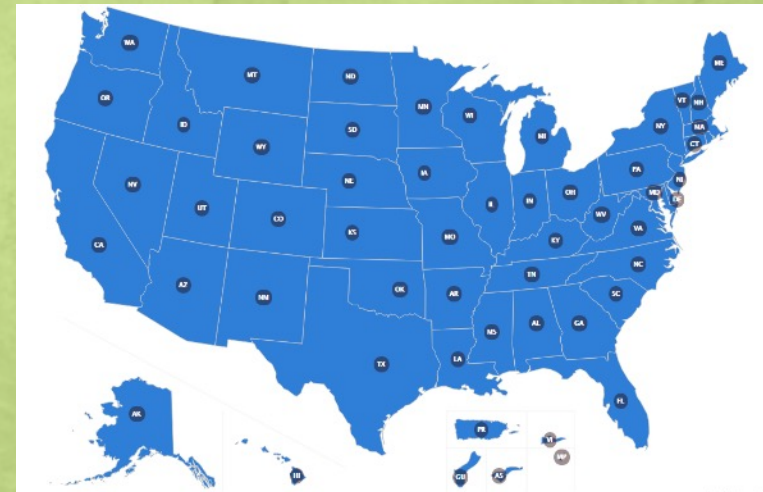


- Indian Entities Recognized by and Eligible to Receive Services from the U.S. Bureau of Indian Affairs:
<https://www.govinfo.gov/content/pkg/FR-2021-01-29/pdf/2021-01606.pdf>
- Washington DCS Tribal Relations website:
<https://www.dshs.wa.gov/esa/division-child-support/tribal-relations>
- Oregon Child Support Program Tribal Liaison Contact Info:
<https://oregonchildsupport.gov/Tribal>
- National Tribal Child Support Association (NTCSA):
<https://supporttribalchildren.org/>

OCSE Resources



- **Tribal Child Support Directors Resource Guide:**
https://www.acf.hhs.gov/sites/default/files/documents/ocse/tribal_directors_resource_guide.pdf
- **OCSE List of Tribal Child Support Agency Contacts:**
<https://www.acf.hhs.gov/css/training-technical-assistance/tribal-child-support-agency-contacts>
- **OCSE Contact Info for State and Tribal Child Support Agencies:**
<https://www.acf.hhs.gov/css/contact-information/state-and-tribal-child-support-agency-contacts>
- **OCSE Intergovernmental Reference Guide:**
<https://www.acf.hhs.gov/css/irg-state-map>
- **What Employers Should Know When Working with Tribes:**
<https://www.acf.hhs.gov/css/faq/what-employers-should-know-when-working-tribes>



Presenter Contact Info



Chris Franks

Chris.Franks@dshs.wa.gov

360-664-5031

Tara Miller

tara.miller@colvilletribes.com

509-422-7700

Dawn Marquardt

dawn.marquardt@doj.state.or.us

503-947-4314

Erin Biencourt

erinbiencourt@ctuir.org

541-429-7328