



New Mexico Tribal Relationships



BEFORE WE START.

On behalf of all colleagues at the Human Services Department, we humbly acknowledge we are on the unceded ancestral lands of the original peoples of the Apache, Diné and Pueblo past, present, and future.

With gratitude we pay our respects to the land, the people and the communities that contribute to what today is known as the State of New Mexico.



Evening drive through Corrales, NM in October 2021.
By HSD Employee, Marisa Vigil



MISSION

To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.

GOALS



We help NEW MEXICANS

1. Improve the value and range of services we provide to ensure that every qualified New Mexican receives timely and accurate benefits.



We make access EASIER

3. Successfully implement technology to give customers and staff the best and most convenient access to services and information.



We communicate EFFECTIVELY

2. Create effective, transparent communication to enhance the public trust.



We support EACH OTHER

4. Promote an environment of mutual respect, trust and open communication to grow and reach our professional goals.



New Mexico Tribes

23 Tribes, Pueblos
and Nations

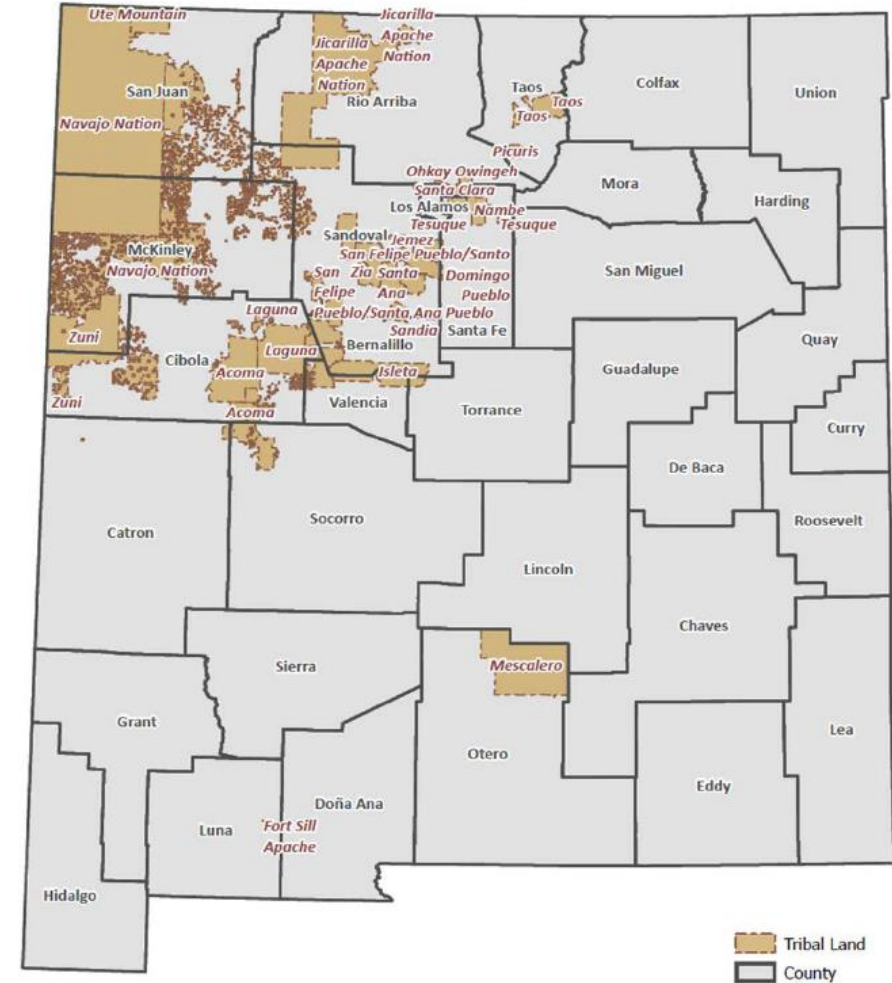
19 Pueblos

3 Apache Nations

1 Navajo Nation

Three Tribal IV-D Programs

- Navajo Nation
- Mescalero Apache Tribe
- Pueblo of Zuni





State-Tribal Collaboration Act (STCA)

STCA Requirements:

- Develop a communication and collaboration policy
- Host an Annual State-Tribal summit
- Mandated trainings and annual reporting
- Designate a Tribal Liaison who reports to the Cabinet Secretary
 - NM Human Services Department has three liaisons



Shelly Begay MS, MLS
HSD-OOS
(Navajo)



Theresa Belanger, MSW
MAD
(Chippewa)



Colinda Vallo, MSW
BHSD
(Acoma Pueblo)



New Mexico & Tribal IV-D Partnerships

- Navajo Nation
 - Joint Powers Agreement (JPA)
 - Child Support Enforcement System (CSES)
 - Use and Reporting
 - State Disbursement Unit (SDU)
 - Customer Service Center
 - Central Registry
 - Information Technology
 - General Services Agreement (GSA)
 - Funding from the State Legislature for the Navajo Nation IV-D Program
- Mescalero Apache Tribe
- Pueblo of Zuni





New Mexico Native American Initiative

Memorandum of Understanding (MOU)

- NM Child Support Program provides child support services to parents petitioning the Pueblo Courts for establishing, modifying, and enforcing Tribal Court orders
 - Parties must apply for NM Child Support services
 - Licensed attorney to practice in Tribal Court
 - Prepare petitions and motions to establish, modify, and enforce tribal court orders
- Tribal Court
 - Serve all documents to petitioner and/or respondent
 - Waive filing or other court expenses

Acoma				Total Collections SFY 2022
Month	Cases	%Cases w/orders	Children	
Jun-22	74	90.5%	108	\$204,809.05

Isleta				Total Collections SFY 2022
Month	Cases	%Cases w/orders	Children	
Jun-22	69	97.1%	116	\$176,346.13

Laguna				Total Collections SFY 2022
Month	Cases	%Cases w/orders	Children	
Jun-22	101	86.1%	156	\$246,694.94

Zia				Total Collections SFY 2022
Month	Cases	%Cases w/orders	Children	
Jun-22	1	100.0%	1	\$3,735.49



Child Support Outreach

Public Service Announcement Campaigns

- English – TV and Radio
- Spanish – TV and Radio
- Navajo (Diné) - Radio





Mescalero Tribal IV-D

Mission Statement

“Enhancing the children’s lives of the Mescalero apache Tribe by the establishment of paternity, the enforcement of child support instruments and the creating of a proactive environment through positive partnerships with all parties involved.”

History

2008 Mescalero Apache Tribal Council approved the Mescalero Apache Tribe Child Support Enforcement Office (MATCSEO) program policies and procedures to ensure and implement fair efficient guidelines for child support enforcement.

The Child Support Enforcement office was established as an advocate for children who need a voice....and each child has the right to, deserves and will receive proper care from their parents and that each parent is responsible for the care and maintenance of their biological children.





Mescalero Tribal IV-D

Eligibility for Services

- 1. All individuals who reside within the boundaries of the Mescalero Apache Tribe who complete an application and provide all necessary information.**
- 2. Individuals who do not reside on the Mescalero Apache Reservation, can be eligible for services if:**
 - a. Either biological parent lives on the Mescalero Apache Reservation**
 - b. The Children for whom services are sought are members of the Mescalero Apache Tribe regardless of where the child lives**





Mescalero Tribal IV-D

Services Provided

1. Location of absent parent (NCP)
2. Establishment of Paternity
3. Establishment of Current Support Obligation
4. Supervised mediation between parents
5. Collection and Distribution of child support payments
6. Enforcement of child support obligation
7. Modifications of child support obligation
8. Payment History
9. Contacts Alamogordo, NM Child Support Office when needed for TANF updates





Questions and comments?

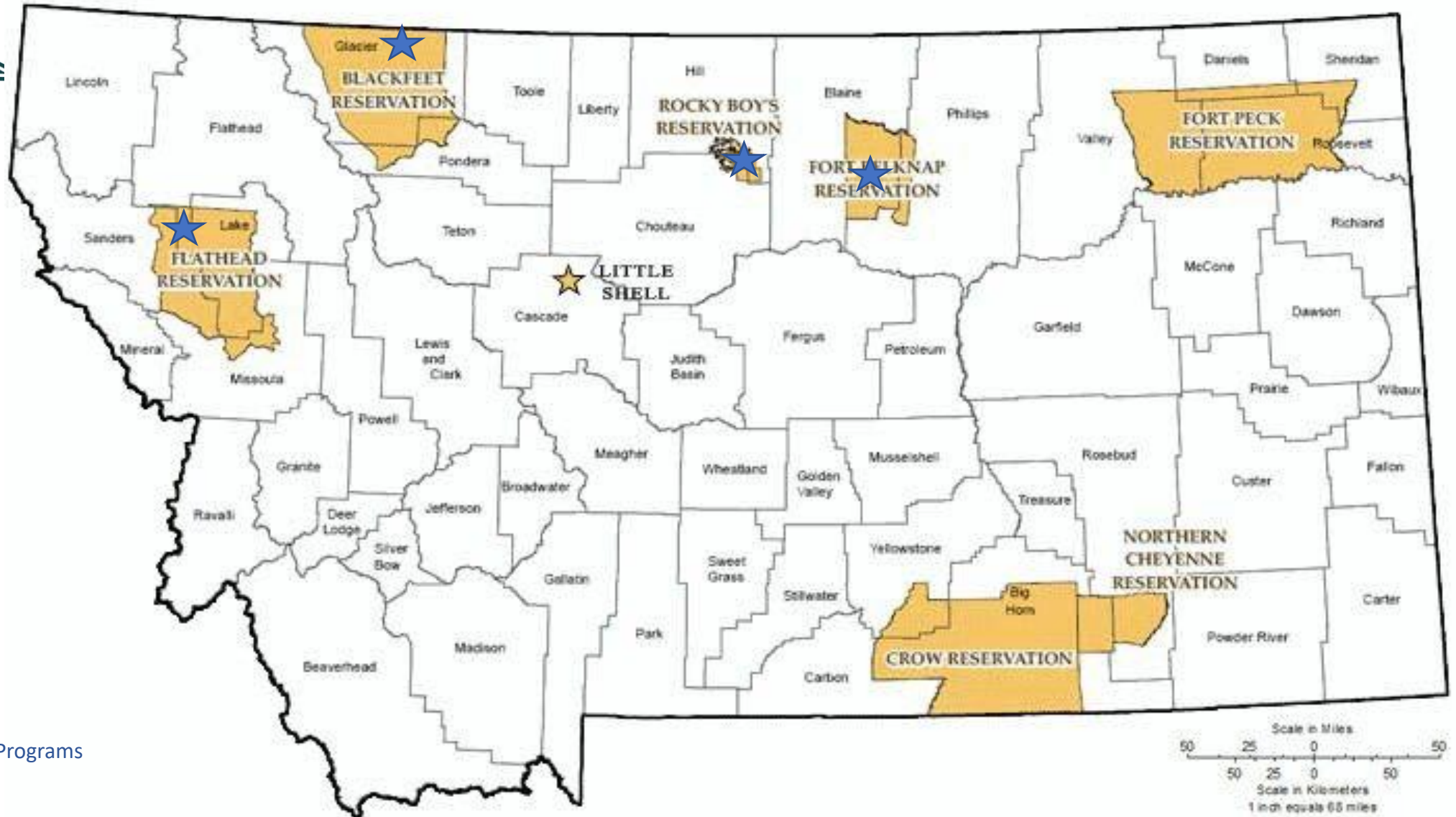
INVESTING FOR TOMORROW, DELIVERING TODAY.



More Than a Colleague: Tribal and State IV-D Partnerships - Montana

Brittany St. Pierre – Executive Director, Chippewa Cree Child Support, Chippewa Cree Tribe

Christie Twardoski – IV-D Director/Administrator, Child Support Services Division, State of Montana



★ Tribal IV-D Programs



In Montana, there are 8 tribal governments

- Chippewa Cree Tribe
- Fort Belknap Assiniboiné and Gros Ventre Tribes
- Confederated Salish & Kootenai Tribes
- Blackfeet Tribe
- Fort Peck Assiniboiné and Sioux Tribes
- Crow Tribe
- Northern Cheyenne Tribe
- Little Shell Tribe

4 Tribal IV-D programs

- Chippewa Cree Tribe
- Fort Belknap Assiniboiné and Gros Ventre Tribes
- Confederated Salish Kootenai & Tribes
- Blackfeet Tribe



Chippewa Cree Tribe

- Rocky Boy is named for the Chippewa Chief whose name was incorrectly translated from “Stone Child” to “Rocky Boy” Rocky Boy’s Reservation was meant for the landless Ojibwe (Chippewa) people forced out of Minnesota, it soon expanded to include the Cree people.
- Rocky Boy Reservation, Montana. Discovering Montana. (2022, June 27). Retrieved July 12, 2022, from <https://discoveringmontana.com/rocky-boy-reservation/#history>





Location

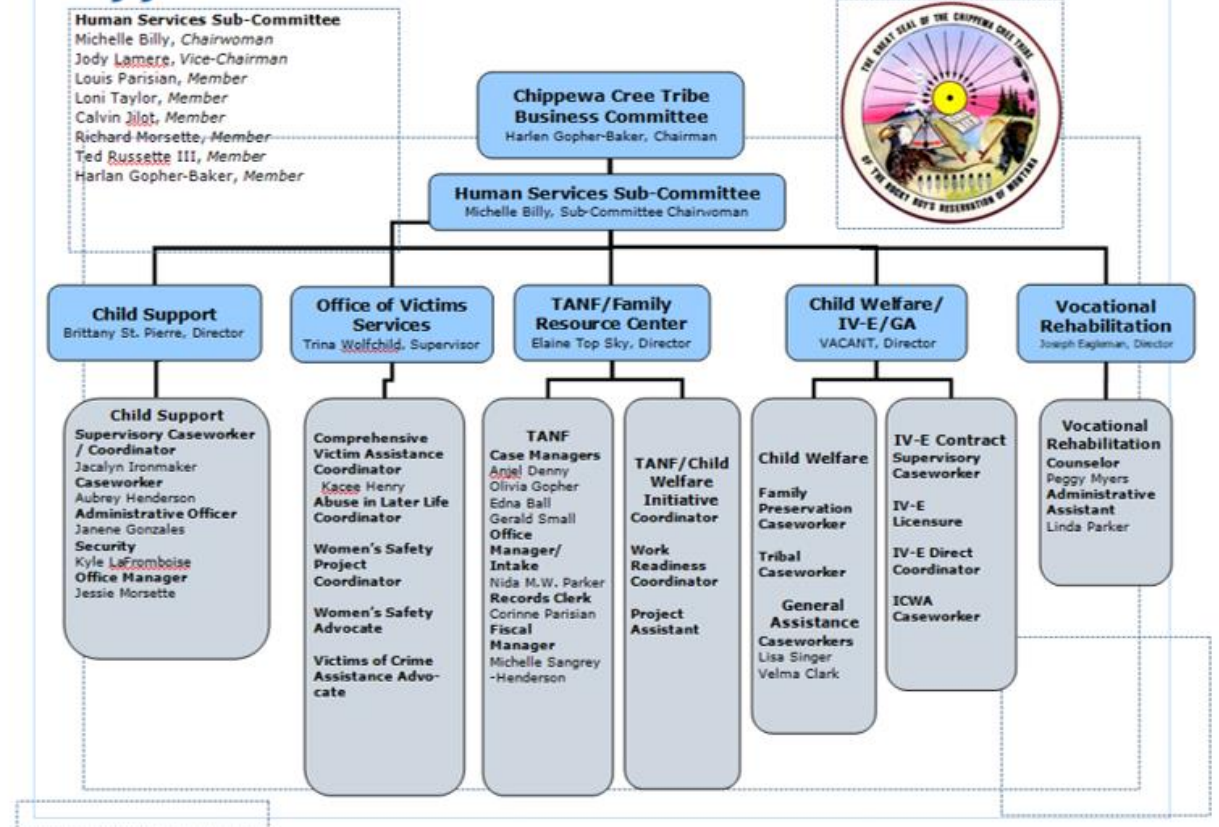
- Located in the Bear Paw Mountains, the Rocky Boy's Reservation was established in 1916 by an Act of Congress – on September 7th, to be exact.
- Located about 40 miles from the United States-Canadian border, the Rocky Boy's Reservation is home to 55% of the 6,177 enrolled Chippewa Cree tribal members.
- Rocky Boy's residents who work on the reservation are employed by the schools, Bureau of Indian Affairs, Indian Health Service and tribal government. There is also some wheat farming and post and pole production.
- Rocky Boy Reservation's encompasses around 122,000 acres.
- Rocky Boy's is the smallest reservation in Montana
- Rocky Boy Reservation, Montana. Discovering Montana. (2022, June 27). Retrieved July 12, 2022, from <https://discoveringmontana.com/rocky-boy-reservation/#history>



Chippewa Cree Tribal Child Support

- The Chippewa Cree Child Support Program became a fully comprehensive program in 2009.
- The Chippewa Cree Child Support Program was the first Tribal Child Support Program in the state of Montana.
- Our Child Support Program is housed under the Human Services Division along with TANF, Office of Victim Services, Social Services/Child Welfare, Vocational Rehabilitation and the newly developed Tribal Child Care Program.

Chippewa Cree Tribe - Human Services Division





CHIPPEWA CREE TRIBE

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

- The intent of the Chippewa Cree Tribal TANF (CCTT) Plan is to provide welfare related services to needy Indian families that include at least one person (excluding stepparents) who is enrolled or eligible for enrollment in a federally recognized tribe, and who are in need of temporary assistance and services.
- The Chippewa Cree TANF program will serve all needy families in Hill County, Montana, that portion of Chouteau County, Montana within the exterior boundaries of the Tribe's Reservation, in which persons applying for temporary assistance and services include at least one person that is enrolled or enrollable in a federally recognized tribe.



Where are we now?

Individual introductory calls held with each of the four Tribal IV-D Directors and new Child Support Services Division leadership in January and February of 2022.

Montana CSSD hosted Individual face to face meetings with each Tribal IV-D program which included tribal and state staff. This provided the opportunity for introductions of staff, review, and discussion of current MOU and to review the existing process in which our programs intersect. CSSD initiated implementing consistent communication by offering to host and participate in quarterly meetings which will alternate the hosting location between the tribal and state program.

The goal of these of improved communication efforts is to strengthen relationships, enhance and develop consistent communication to discuss caseloads, address challenges such as dual enforcement, transfers, and transmittal processes.



What is next?

CSSD and Tribes share a future goal to jointly develop and establish a written document which defines our current intergovernmental case process.

Fort Belknap Tribal IV-D Director Sis Horn presented this idea to CSSD, and it aligns with CSSD vision to ensure we are identifying areas of opportunity for enhanced customer service and best practice.

Tribal summits happen every 6 months with the Tribal Child Support Programs and the State of Montana CSSD program.



State and Tribal Partnerships

Working together allows us to better serve Montanans

- Department leadership expects each of us to build and foster meaningful relationships
- Always work in a spirit of cooperation
- Create solid agreements that outline responsibilities of each party
- Share information, resources and new opportunities

It's all about the relationship

- Commit to it
- Build it
- Show up
- Listen
- Don't overpromise
- Stay in touch

Acknowledge challenges and seek solutions

- Create opportunities for discussion and sharing of ideas for improvement
- Consider impact to Tribes and Indians when developing and changing policy
- Conduct formal tribal consultations, seek tribal voice and expertise
- Be willing to make change
- Offer your ideas up to leadership

Value in building good and strong partnerships to help us do our shared work

- Each DPHHS employee plays a significant role
- Encourage local communication among partners



Questions





Presenters contact information

Christie Twardoski

ctwardoski@mt.gov

406-444-1846

Brittney St. Pierre

brittanysp@cctcsp.org

406-395-4176



More Than a Colleague: Tribal and State IV-D Partnerships

November 2022

WICSEC

Connie M. Chesnik, Administrator

Wisconsin Division of Family and Economic Security

Sue Smith, Director

Lac Courte Oreilles Child Support Program



Public Law 280

28 USC 1360

Shared jurisdiction over tribal matters in state courts

- Wisconsin
- Nebraska
- Oregon
- Alaska
- Minnesota
- California

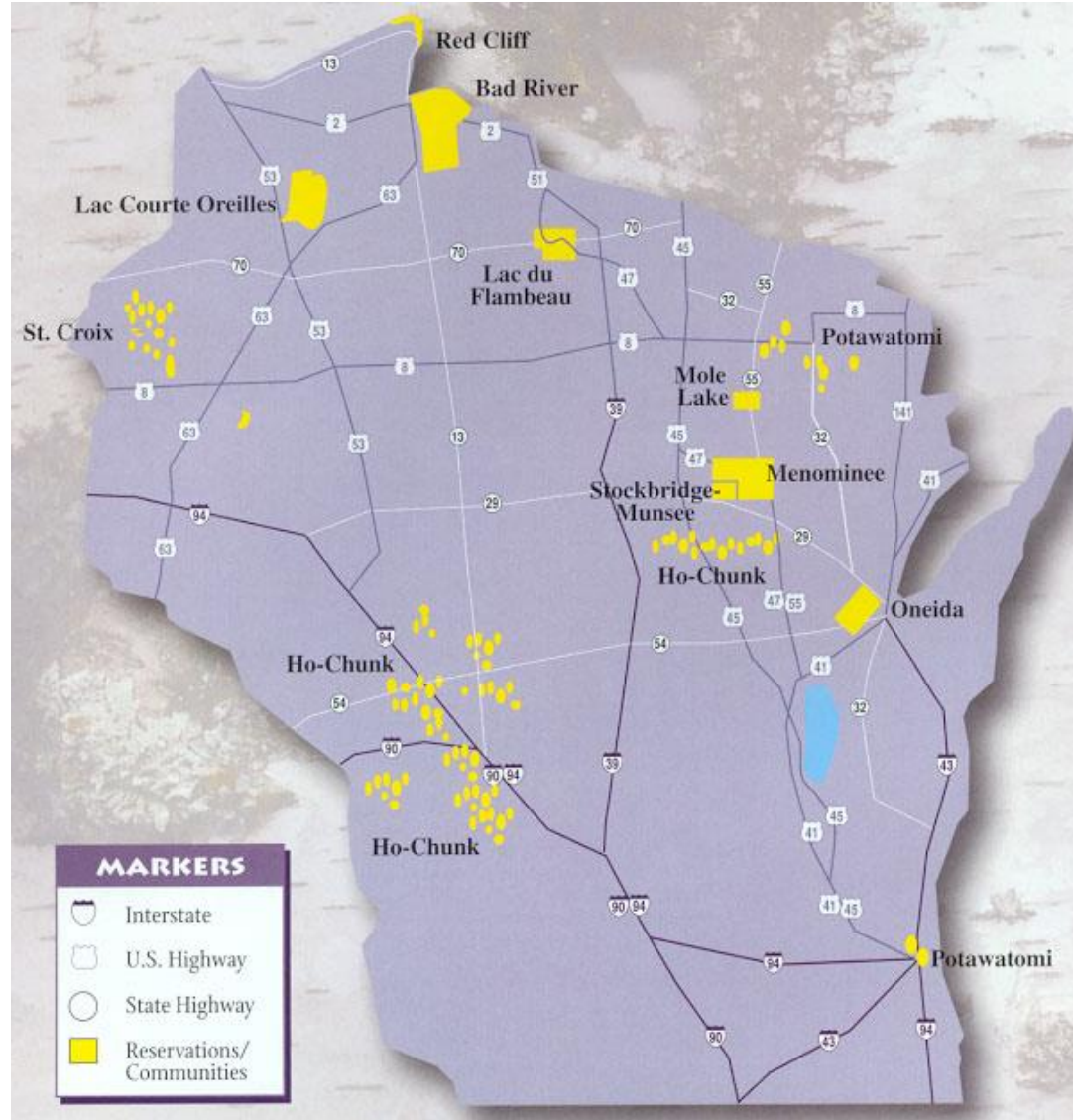


11 Federally Recognized Tribes in Wisconsin

- Ho-Chunk
- Oneida
- Potawatomi
- Menominee
- Stockbridge-Munsee
- Six bands of the Lake Superior Ojibwe:
 - Red Cliff
 - Bad River
 - Lac Courte Oreilles
 - Sokaogon
 - Lac du Flambeau
 - St Croix



Location of Tribes





Allocating Jurisdiction Between State and Federal Courts Under PL 280

- Jerry Teague v Bad River Band of the Lake Superior Tribe of Chippewa Indians 2000 WI 79
- Jerry Teague v Bad River Band of the Lake Superior Tribe of Chippewa Indians 2003 WI 118



10th and 11th Judicial District Protocol for Allocating Jurisdiction

1. if the case involves a tribe's constitution, by-laws, ordinances, or resolutions;
2. if it involves traditional or cultural matters of the tribe, or an action in which a tribe is a party;
3. if a tribe's sovereignty, jurisdiction, or territory is an issue;
4. the membership status of the parties;
5. the cause from which the action arose;
6. if parties have chosen a forum to be applied in case of dispute;
7. if the judges have looked at the timing of the motion to transfer in terms of courts' time and expenditures;
8. where the case can be decided most expeditiously;
9. such other factors that may be appropriate



State-Tribal Justice Forum

- 2007 proposed Supreme Court rule change to empower state court judges to transfer cases to tribal courts on their own authority
- Wis. Stat. §801.54: Discretionary transfer of civil actions to tribal court (effective January 1, 2009)
- **SCOPE** In a civil action where a circuit court and a court or judicial system of a federally recognized American Indian tribe or band in Wisconsin ("tribal court") have concurrent jurisdiction, this rule authorizes the circuit court, in its discretion, to transfer the action to the tribal court under sub. (2m) or when transfer is warranted under the factors set forth in sub. (2). This rule does not apply to any action in which controlling law grants exclusive jurisdiction to either the circuit court or the tribal court.



DISCRETIONARY TRANSFER When a civil action is brought in the circuit court of any county of this state, and when, under the laws of the United States, a tribal court has concurrent jurisdiction of the matter in controversy, the circuit court may, on its own motion or the motion of any party and after notice and hearing on the record on the issue of the transfer, cause such action to be transferred to the tribal court. The circuit court must first make a threshold determination that concurrent jurisdiction exists. If concurrent jurisdiction is found to exist, unless all parties stipulate to the transfer, in the exercise of its discretion the circuit court shall consider all relevant factors, including but not limited to:

1. Whether issues in the action require interpretation of the tribe's laws, including the tribe's constitution, statutes, bylaws, ordinances, resolutions, or case law.
2. Whether the action involves traditional or cultural matters of the tribe.
3. Whether the action is one in which the tribe is a party, or whether tribal sovereignty, jurisdiction, or territory is an issue in the action.
4. The tribal membership status of the parties.
5. Where the claim arises.
6. Whether the parties have by contract chosen a forum or the law to be applied in the event of a dispute.
7. The timing of any motion to transfer, taking into account the parties' and court's expenditure of time and resources, and compliance with any applicable provisions of the circuit court's scheduling orders.
8. The court in which the action can be decided most expeditiously.
9. The institutional and administrative interests of each court.
10. The relative burdens on the parties, including cost, access to and admissibility of evidence, and matters of process, practice, and procedure, including where the action will be heard and decided most promptly.
11. Any other factors having substantial bearing upon the selection of a convenient, reasonable and fair place of trial.



2009 Amendment to 801.54

(2m) TRIBAL CHILD SUPPORT PROGRAMS The circuit court may, on its own motion or the motion of any party, after notice to the parties of their right to object, transfer a post-judgment child support, custody or placement provision of an action in which the state is a real party in interest pursuant to s. 767.205 (2) to a tribal court located in Wisconsin that is receiving funding from the federal government to operate a child support program under Title IV-D of the federal Social Security Act (42 U.S.C. 654 et al.). The circuit court must first make a threshold determination that concurrent jurisdiction exists. If concurrent jurisdiction is found to exist, the transfer will occur unless a party objects in a timely manner. Upon the filing of a timely objection to the transfer the circuit court shall conduct a hearing on the record considering all the relevant factors set forth in sub. (2).



Concurrent Jurisdiction

Overlapping authority of federal, tribal, and state governments to enforce criminal laws in Indian country



_____ TRIBAL CHILD SUPPORT SERVICES

Affidavit of Concurrent Jurisdiction

Click here to enter text.,
Petitioner

vs.

Click here to enter text.,
Respondent

Case No. Click here to enter text.
here to enter text.

IVD Case No. Click

The _____ Indians, by and through its Child Support Attorney, _____, hereby states that concurrent jurisdiction exists for the following reasons:

1. _____ County Circuit Court has an existing child support and/or paternity case in which the Circuit Court exercised jurisdiction prior to Red Cliff Band of Lake Superior Chippewa Indians receiving federal approval to operate a tribal child support agency; the County has jurisdiction which is concurrent to the Tribe's jurisdiction. The Tribe has since enacted laws authorizing the establishment and enforcement of paternity and child support.
2. The _____ Tribal Code, Chapter 51, Sec. 51.3, Sec. 51.6, Sec. 51.7 and Sec. 51.16 addresses child support, custody and placement, and grants authority over such matters to the -----Tribal Court.
3. The records of the _____ Tribe indicate that parties to this action are either enrolled members of the Red Cliff Tribe and/or reside within the boundaries of the _____ Reservation:



ENROLLED MEMBER OF _____
NOT ENROLLED
ENROLLED WITH ANOTHER TRIBE:
RESIDES ON RESERVATION LAND

ENROLLED MEMBER OF _____
NOT ENROLLED
ENROLLED WITH ANOTHER TRIBE:
RESIDES ON RESERVATION LAND

ENROLLED MEMBER OF _____
NOT ENROLLED BUT ELIGIBLE TO BE ENROLLED
ENROLLED WITH ANOTHER TRIBE:

1. Pursuant to the factors in *Montana vs United States*, 450 U.S. 544 (1981), and as the _____ Tribe has a code on this matter, the ability to enforce this code, the Tribal Court has concurrent jurisdiction over this matter.



MOU Between State, County and Tribe

1. Identification of cases to be transferred
2. Welcoming letter from tribe
3. Notice of Intent to Transfer
4. Request for Hearing
5. Order for Transfer with no Objection
6. Petition and Order for Withdrawal
7. Order Approving Transfer
8. Order Denying Transfer



Questions?

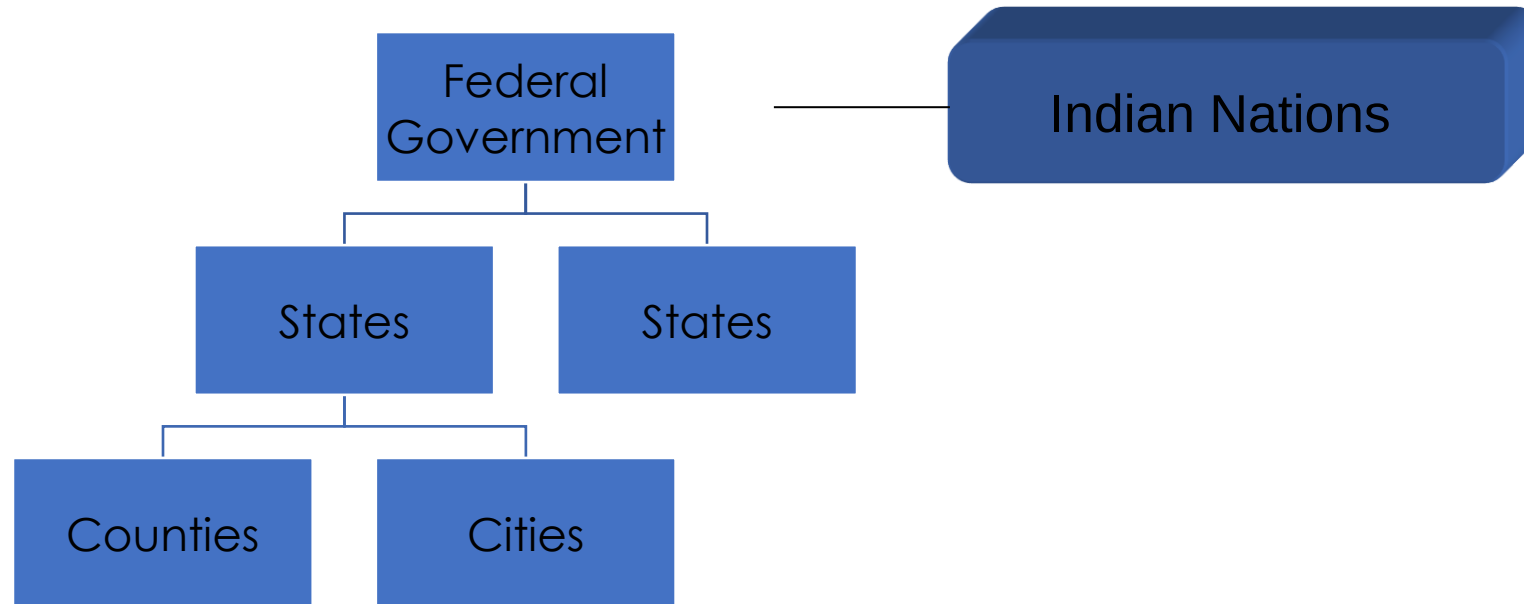
Connie Chesnik

Connie.Chesnik@wisconsin.gov

608-692-7379



Indian Nations and the American Political System





Lac Courte Oreilles Tribe (LCO)



- Lac Courte Oreilles Reservation lies within Sawyer County in Northwest Wisconsin, covering 76,465 acres in rural setting
- Approximately 7,275 enrolled members
- Approximately 2,300 tribal members live on the reservation, trust or fee land along with about 700 non-tribal members
- 7-person Tribal Governing Board



Lac Courte Oreilles Tribe



- Lac Courte Oreilles Tribe is largest employer in Sawyer County, employing approximately 900 people in a county with a population of just over 16,000. About 25% of employees are non-tribal members.
- Residents rely more on tourism than industry
- Population has some of the lowest per capita income in the state



LCO Programs and Services for Community Members



- Tribal law enforcement
- Tribal Court system
- Waadookodaading (an Ojibwe Language Immersion school)
- Tribal K-12 School
- Community College
- Healthcare Center
- Tribal TANF office
- Tribal IV-D program
- Tribal Income Maintenance Office
- Indian Child Welfare Office



LCO Child Support Program



- Lac Courte Oreilles Child Support Program became comprehensive November 2012.
- From 2013-2020, Lac Courte Oreilles Child Support transferred over 1,000 child support cases.
- Caseload is a combination of transferred cases from circuit court, applications, parentage establishment, and public assistance referrals.
- Lac Courte Oreilles Child Support adheres to Full Faith & Credit for Child Support Orders.



Inter-Jurisdictional Cases

To ensure the successful enforcement of child support orders involving tribal members and others who are subject to the Tribe's jurisdiction, LCO CSP adheres to specific Codes regarding inter-jurisdictional cases by following the procedures set forth in LCO Tribal Court Code to:

1. Cooperate with and extend a full range of services to all requesting jurisdictions [45 CFR 309.120(a)];
2. Recognize valid child support orders issued by other jurisdictions pursuant to LCO tribal code, Chapter 1, Subchapter XIII [45 CFR 309.120(b); and
3. Process income withholding orders from other jurisdictions pursuant to LCO Tribal Court Code, Chapter 3, Subchapter XIII [45 CFR 309.110(n).



Case Transfer

- WI Statute 801.54
 - Provides discretionary transfer of cases from circuit court to tribal court.
- Case identification is done by performing a data match through WI KIDS system with Tribal enrollment data.
 - Most Tribes follow this practice since KIDS doesn't differentiate tribal affiliation
- Cases can be transferred through stipulations.
 - Both parties agree to the transfer and sign a stipulated agreement usually done by the tribal CSA who then sends to appropriate county CSA for processing.



Enforcing Orders on Tribal Reservations

- Each tribal nation can have different requirements to register an order in their court.
- It's always best to contact the agency and ask what they require for registration of a foreign order or assistance with an inter-jurisdictional case.
 - Many tribal agencies do use Transmittal #1 and subsequent documents.
- Note: there are only 60 comprehensive tribal child support programs while there are over 550 federally recognized tribes.
 - Even those without federal funding may have laws in place regarding family matters including child support.



Registering an Order with LCO



Send directly to Lac Courte Oreilles Child Support, not the WI Central Registry

1. Transmittal #1
2. Certified Order for Support (3 copies)
3. Registration Statement
4. Certified Statement of Arrears (when applicable)
5. General Testimony
6. Uniform Support Petition
7. Affidavit in Support of Establishing Paternity (when applicable)
 - A Lac Courte Oreilles Tribal Court Case Number will be assigned to the case.
 - *A Full Faith and Credit Order* will be prepared.
 - Standard Intergovernmental protocols are then followed.

Per Capita Payments: The Lac Courte Oreilles Tribe does **not** have per capita payments.



Additional Info



- LCO Child Support prefers to obtain Stipulations vs. Court Orders.
- Mediation is frequently used when establishing and modifying orders.
- Mediation is also used to address debt compromise and debt negotiations.
- Lac Courte Oreilles Child Support using the Model Tribal System (MTS) for office automation. Has view only access WI KIDS system.
- Lac Courte Oreilles Child Support has a partnership in place with the State of North Dakota for the collection of Federal Offsets.
- Lac Courte Oreilles Child Support does **not** charge:
 - Interest
 - Genetic testing fees
 - Mediation fees
 - Service of process fees
 - Application fees



Working Together - Summary

- Communication is Key
- Check with the tribal court or tribal child support agency when
 - seeking assistance with an inter-jurisdictional case
 - registering an order
 - inquiring about per capita income and garnishment of said income
- Link to tribal child support agencies under federal funding:

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



WORKING TOGETHER

SAVES GRANT

GAAWIIN GEYAABI SAVES PROJECT



LCO



Lac Courte Oreilles Child Support Program

13526 W Trepania Rd. Suite 202

Hayward, WI 54843

Ph: 715-318-5916

Fax: 715-318-6080

www.lcochildsupport.com

Please contact us with any questions.