

## **STATE/TRIBAL CHILD SUPPORT PARTNERSHIPS IN WASHINGTON STATE**

Over the past 30 years, DCS and Indian Tribes in Washington State have partnered together to develop numerous child support cooperative agreements and processes to greatly improve child support services in Indian Country.

How did it start? In May 1987, DCS signed its first Cooperative CS Agreement with the Confederated Tribes of the Colville Reservation (Colville Tribes). This was the result of discussions and efforts started by the Tribe's Chief Judge, Anita Dupris, and the local DCS District Administrator, Robert Burchinal. In 1990, DCS hired Sarah Colleen Sotomish, a Quinault tribal member and attorney with expertise in Federal Indian Law, to facilitate negotiation of child support agreements.

This long-term commitment of DCS to partner with tribes has seen many positive results. Here are a few examples of our joint cooperative efforts:

- Of the 63 national federally-funded Tribal Child Support programs, eight (Puyallup, Port Gamble S'Klallam, Lummi Nation, Quinault Nation, Nooksack, Tulalip, Colville Confederated Tribes, and Suquamish) are in Washington State.
- DCS has intergovernmental cooperative child support agreements with several Tribes.
- The DSHS Economic Services Administration (ESA) has agreements with 13 tribes (with either tribal IVD and/or tribal TANF programs) to provide them with limited access to state computer systems (SEMS and ACES).
- DCS negotiated Agreements with seven tribal IVD programs for DCS to perform federal offset on cases referred by tribal IVD programs.
- DCS has informal child support processes with 20 tribes allowing limited wage-withholding of tribal employees and/or access to tribal courts.
- As a result, culturally-relevant child support services are being provided to both Indian and non-Indian children and families.
- DCS continue to make connections with Recognized American Indian Organizations (RAIOs) meeting the needs of urban Native Americans.

## **BUILDING BLOCKS FOR SUCCESSFUL STATE/TRIBAL RELATIONS**

- Recognize the sovereignty of each federally-recognized Indian tribe and work with each of them on a government-to-government basis.
- Make an organizational commitment to regularly provide staff with education and training regarding tribal sovereignty and government-to-government relations.
- Have mutual respect and a basic understanding of each other's governments.
- Regularly communicate and consult with tribes. Ask each tribe how they see child support working on their reservation. Don't just send letters, it's better to make personal contacts. Consultation needs to be at the highest level of government.
- Focus on common interests, listen to each other, build trust, and develop a shared vision.
- Accept existing legal frameworks. Recognize that each tribe has the authority to: develop its own child support laws, operate a federally-funded child support program, or develop cooperative processes. Each tribe will want to address child support differently.
- Be willing to make a long-term investment of time and resources in order to build relationships, develop partnerships and improve services. It takes a lot of hard work by both governments, and often results are not fully realized for many years. Be creative and willing to think "outside-the-box."
- Have reasonable expectations. Tribes don't want to be mini-states. Tribes have greater flexibility than states in the developing child support programs.
- With tribal collaboration, develop tribal-specific policy, procedure, forms and needed legislation.

- Child support agreements can be formal (written Cooperative Agreement and Tribal Resolution), or they can be informal (memo, letter, verbal).
- There may be issues where you need to agree to disagree and move on.
- Inform and involve partners (Office of Asst. Sec. Tribal Relations, Community Services Division, Prosecuting Attorneys, DCS Tribal Relations Team, Office of Indian Policy, federal Office of Child Support Enforcement, etc.) regarding the development of new state/tribal agreements, tribal IV-D programs, and tribal TANF programs.

## FRAMEWORK FOR STATE/TRIBAL RELATIONS IN WASHINGTON STATE

- **EXECUTIVE MANDATE.** In 1989, Governor Booth Gardner and Tribal Chairs of federally recognized tribes in Washington State negotiated and signed a [Centennial Accord](#). Each party to the Accord recognizes and respects the sovereignty of the other and commits to implementing a government-to-government relationship. Each subsequent Governor has reaffirmed this commitment by Proclamation, and in 2013, this commitment was made into law ([RCW 43.376](#)).
- **DEPARTMENT POLICY.** The Department of Social and Health Services (DSHS) developed [Administrative Policy 7.01](#), American Indian Policy, that outlines DSHS' commitment to planning and service delivery to tribes and tribal communities. Administrations partner with tribes to develop yearly plans that address communication, consultation, budgets, policies, and operational procedures to ensure programs and services are culturally relevant.
- **LEGISLATION.** In 1997, DCS assisted in drafting tribal-specific state legislation: Cooperative Child Support Services with Indian Tribes ([RCW 26.25](#)). The legislation recognizes the sovereign relationship between the state and tribes, supports tribes operating IV-D programs, and encourages state/tribal cooperative agreements. It recognizes that the preferred method for handling cases where parties are tribal members living on the reservation, is to refer appropriate cases to tribal court.

## KEY STATE/TRIBAL RELATIONS PROGRAM DEVELOPMENTS

- DCS visited and met with nearly every Tribal Council (tribe's legislative body) to discuss basic child support issues and options.
- DCS sponsored 3 statewide state/tribal/federal child support conferences (1991, 1992, and 1995) for state employees and Washington tribes.
- DCS developed and presented one-day child support workshops for tribes (judges, attorneys, council members, and department and court staff).
- In 1992 DCS established a State/Tribal/Federal Child Support Work Group comprised of representatives from tribal, state and federal governments. They met quarterly to develop and strengthen relationships, build trust, share information, seek input, discuss issues and brainstorm possible solutions.
- Early on, DCS recognized the need to develop tribal-specific child support policy, procedures and forms. Policies included: giving full faith and credit to tribal orders; refraining from sending wage garnishments to tribes and their enterprises; correcting orders and debts based on inaccurate information, providing child support services for tribal TANF programs; and coordinating services with tribal IV-D programs. DCS has over 120 pages of tribal-specific policy.
- Based on Tribal recommendations, DCS centralized tribal cases in seven (7) DCS field offices and appointed tribal liaisons in each office to: manage the cases, provide outreach services to tribes, serve as a local contact for tribes, develop relationships with tribes, and serve as a local contact for DCS HQ.
- With the AG's approval, DCS assigned tribal attorneys in six regional DCS offices to bring appropriate establishment and enforcement cases into tribal court.
- In 1997 DCS received a federal demonstration grant in partnership with the NW Tribal Court Judges' Association, to develop a tribal bench book on child support. After completing the bench book, DCS and several tribal judges provided two days of bench book training for tribal judges from AK, WA, OR, ID and MT.
- Following the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which provided tribes with the opportunity to operate their own tribal TANF and IV-D

programs, in 1997 ESA expanded their state/tribal efforts by creating the State/Tribal Relations Unit (STRU).

- In the early 1990's tribes shared that a significant barrier to child support negotiations were DCS Administrative orders that were based on imputed, incomplete or inaccurate income information, and many were default orders. As a result, in 1998, DCS began a very successful program to correct child support arrears and current support involving inequitable orders.
- In the mid-90's, DCS became involved in raising tribal issues with OCSE at the federal level and provided technical assistance to tribes as they voiced their concerns and needs to OCSE.
- In 1999 DCS developed the first Tribal Relations Internet Site ([www.dshs.wa.gov/esa/division-child-support/tribal-relations](http://www.dshs.wa.gov/esa/division-child-support/tribal-relations)) in the nation, which offers a wealth of information and valuable resources.
- Over the years, DCS has coordinated, presented and facilitated countless state/tribal workshops and training sessions for tribal, state and federal representatives and staff.
- After a successful pilot with the Port Gamble S'Klallam Tribe, since 2006, limited read-only Web based access to the DCS Support Enforcement Management System (SEMS) has been available to tribal IV-D and IV-A programs.
- In 2007, ESA reorganized, moving 1.5 Tribal child support positions from the State Tribal Relations Unit (STRU) back to DCS HQ, and adding an additional 1.5 positions to create the current DCS Tribal Relations Team (TRT).
- In 2007 DCS completed a pilot with the Colville IV-D Program, for the Tribe to use the SEMS computer system to manage child support cases. In 2008, DCS and the Colville Tribe negotiated an Agreement for the Colville IV-D Program to use SEMS as their case management system.
- In 2007, DCS negotiated child support agreements with the Shoalwater Bay and Quileute Tribes.
- In 2007 DCS completed Policy and negotiated Agreements with the Port Gamble S'Klallam and the Quinault Nation allowing DCS to perform Treasury Offset on tribal IV-D cases. In 2008, DCS negotiated a Treasury Offset Agreement with the Quinault Indian Nation and the Lummi Nation.
- In 2008 DCS merged the Tribal SEMS Web Data Share Agreement with the ACES (State IV-A computer system) Data Share Agreement, and added language allowing DCS to pass through Employment Security Wage and Unemployment information. Tribal Relations later negotiated this agreement with all 8 Tribal IV-D programs and with all 13 Tribal TANF programs in Washington State.
- In 2009 TRT worked with DCS staff, Tribes, and partners to finalize a Strategic Plan that includes our Vision, Mission, Values, Goals, Strategies, and 4 additional tribal Initiatives: Improve tribal affiliation coding on referrals, Develop a process to ensure regular contact with Tribes and stakeholders, Redesign the DCS Tribal Relations Website, and Develop a Tribal Relations brochure. In 2009 TRT finalized and published the DCS Tribal Relations Brochure, DSHS 22-1320.
- In 2009 TRT negotiated a Treasury Offset Agreement with the Nooksack Tribe and in 2010 with the Suquamish Tribe.
- From 2009 to the present, TRT worked with staff, Prosecuting Attorneys, Community Services Division, and Children's Administration, facilitating meetings and providing presentations and guidance to better understand tribal child support issues and better identify, assign and work tribal cases (or refer them to Tribal IV-D programs). This included making several changes to DSHS forms, policy, procedure, and Information Technology (IT) systems.
- In 2010, TRT negotiated a Treasury Offset Agreement with an out-of-state Tribal IVD Program: Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHITA), for treasury offset on cases based on CCTHITA child support orders.
- In 2010, TRT participated in conference call meetings with California Child Support Directors and in a panel presentation at the CA Child Support Directors Association at their annual Child Support Training Conference & Expo in Orange County, providing guidance about state/tribal relations, government-to-government relationships, and cooperative child support agreements.
- In 2011, as a resource to Tribal IV-D programs across the Nation, TRT developed editable fields to numerous federal Interstate forms, so that tribes can complete them electronically.
- In 2011, TRT lead DCS' efforts to further expand the definition of a "tribal case". DCS tribal cases now include: all Non-Custodial Parents (NCPs) who are members of a federally-recognized Indian Tribe in Washington State, NCPs employed by a tribe, individuals who receive services from a federally-funded

Tribal TANF or Child Support program in Washington State, and individuals included under a Cooperative Agreement. DCS Tribal Liaisons manage these cases.

- In 2013, TRT worked with SEMS and Policy to provide Tribal IV-D program staff with access to case information from two additional SEMS screens.
- In 2014, TRT worked with staff, Tribes, and partners to develop a Business Plan for 2014-2018 that includes a description of our Vision, Purpose, Goals, Objectives, and Core Values.
- In 2014, TRT redesigned and updated the DCS Tribal Relations Website.
- In 2014 and 2015 TRT arranged to have the Governor's Office of Indian Affairs Government to Government training at the DCS Headquarter building and assisted in scheduling the training in several DCS field offices. In both years, TRT also assisted in planning tribal sessions at the Community Partnership for Transition Services (CPTS) Reentry Conferences.
- From 2011 to the present, TRT lead numerous training, policy, and information technology improvements to better identify and code tribal cases.
- From 2011 to 2015, TRT worked with DCS Tribal Liaisons, Policy staff, and Tribes to completely redraft and update Tribal Policy in the DCS Handbook. DCS published the policy in 2015 and provided a one-hour mandatory tribal training for DCS staff.
- In 2015 TRT coordinated and facilitated a two-hour tribal presentation at the DCS Claims officer (Attorney) Workshop, to familiarized Claims Officers with Tribal Court history and practice, and in understanding the basis for differences in working tribal cases.
- In 2015, TRT assisted with planning two tribal sessions (involving 3 tribes and an Indian Organization) at the July 2015 Reentry Conference.
- In 2015, in response to requests from Tribal IVD Programs, DCS added the "date of birth" field for more accurate cross-referencing in SEMS Web.
- Each year, TRT renegotiates numerous State/Tribal Data share Agreements and Federal Offset Agreements, and monitors all agreements.
- In 2016, TRT worked with DCS staff to modify the Child Support Referral (DSHS 14-057), to add a question asking if the Employer is a Tribal business.
- In 2016, DCS appointed a Conference Board Chair at DCS Headquarters to handle conference boards on tribal cases and made many improvements to the process.
- TRT provided coordination for 42 DCS staff to attend the 2016 National Tribal Child Support Association (NTCSA) Conference at The Tulalip Tribes. The DCS Director spoke at the Opening Ceremony, and TRT participated in two training sessions and in staffing a DCS Tribal Vendor Table.
- In 2016, DCS worked with tribes to update their SEMS tribal employer database to prevent auto-withholds to tribal employers.
- In 2016, TRT developed a training process to assist with onboarding new DCS Tribal Liaisons.
- In 2016 TRT provided tribal training for all DCS Central Services staff.
- In 2016, TRT worked with staff and tribes to revise the DCS [Tribal Relations Team Brochure](#), and designed a Tribal Relations roll-up banner for field office and HQ staff to use at outreach events.
- 2017 - TRT worked closely with the Colville Tribal IV-D program to transfer their cases out of the DCS SEMS computer system to the federal Model Tribal System (MTS) by March 31, 2017.
- 2017 - TRT completed work with DCS and Children's Administration I.T. staff to make programming changes for DCS to received updated files nightly from the Children's Administration when there are changes to the Tribal Affiliation fields involving Washington tribal members.
- 2017 - The Office of the Assistant Secretary (OAS) hired a Statewide Tribal Relations Administrator to coordinate state/tribal efforts across the Economic Services Administration (ESA), between CSD and DCS and other parts of ESA.
- 2017- Instituted new Treasury Offset Agreement for tribes to comply with IRS Publication 1075, ensuring that no federal tax information (FTI) is being shared.
- 2018 – Amended WAC 388-14A-5007 regarding distribution of child support payments, allowing DCS to apply payments in a manner specified by an Indian tribe when the payment comes from a tribal benefit.
- 2018 - Per discussions with Tribal IV-D Directors DCS changed credit bureau reporting from 2nd weekend to 3rd weekend of the month decreasing the number of payers reported delinquent due to payment processing and through no fault of their own.

- 2019 – Tribal TANF programs now receive ESD data by accessing SEMS Web instead of ACES.
- 2019 – ACES/SEMS Web Workgroup implemented process improvement recommendations to assist tribes in obtaining and maintaining access to ESA systems (ACES, SEMS Web, and VPN).
- 2020 – DCS shared ACF’s Emergency and Disaster Waivers and Flexibilities FAQs document with tribal IV-D partners. As a result, Puyallup applied & was first in nation to receive 100% waiver of program participation fees.

### **WHY INVEST TIME AND RESOURCES IN DEVOLOPING STATE/TRIBAL RELATIONS? WHAT ARE THE BENEFITS?**

- It produces measurable results, benefiting children and families. More children are now receiving child support than ever before.
- Tribal/state government-to-government relationships exist whether they are attended to or not.
- A government-to-government approach often results in additional collection remedies which only the tribe has access to: employee wages, per capita payments, trust assets, tribal license revocation, and personal and real property.
- Appointing tribal liaisons and centralizing tribal cases with the liaisons, makes sense from a business point of view. Tribal liaisons receive additional training and become the local experts for state/tribal issues and a single point of contact for tribes and HQ staff.
- When the state and tribes collaborate together and seek a common goal, they are much more likely to achieve that goal. This doesn’t mean: “Do it the state’s way” or “Do it the tribe’s way.” It means having a shared vision and supporting different ways of achieving that end result.

### **LESSONS LEARNED**

- Government-to-Government Relations is a continuing process. Nothing is static and relationships must evolve. There is always a lot of room for improvement.
- There are no quick fixes and it is easier said than done. It takes patience, perseverance, hard work, and is a big investment (time/resources) for the state and tribes.
- Having consistency of key people in the process, from beginning to end, enhances successful relations.
- State and tribal officials and staff have to feel there’s a good reason to invest their time and energy to pursue this path and that there’s something in it for them.
- Nurturing a government-to-government relationship takes time, but the results are worth it. Don’t give up.



## **Division of Child Support (DCS) Tribal Relations Team (TRT)**

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### **Purpose**

We facilitate DCS's commitment to work government-to-government with Indian tribes.

### **Vision**

Bridging cultures to provide exceptional child support services.

### **Goals**

Advocate for policy, procedure, and laws that respect tribal sovereignty; and draft DCS tribal policy.

Build and strengthen relationships, trust and mutual respect with all tribes, RAIOS and stakeholders.

Advance intergovernmental child support agreements, contracts and processes.

Assist in researching and resolving child support policy and case issues.

Provide valuable and timely training, guidance and resources to DCS staff, tribes, RAIOS and partners.

Provide accessible and culturally relevant services.

### **Core Values**

Respect Sovereignty, Strengthen Relationships, Act with Integrity,

Foster Growth and Development, Pursue Excellence

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### **For Additional Information**

Visit our website at [www.childsupportonline.wa.gov](http://www.childsupportonline.wa.gov) (*click on Tribal Relations*) or contact us at:

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