



*Bridging Bright
Futures for Families*

**ERICSA
2024**

Grand Rapids

**ERICSA 61ST ANNUAL
TRAINING CONFERENCE & EXPOSITION
APRIL 7-11, 2024**

Do We Speak the Same Language?

Bill Woods
Tammy Pearson



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What is the Uniform Interstate Family Support Act (UIFSA)?

- Drafted by the National Conference of Commissions on Uniform State Laws
- Purpose of the Uniform Interstate Family Support Act (“UIFSA”) is to expedite interstate and intrastate proceedings involving child support or spousal support.



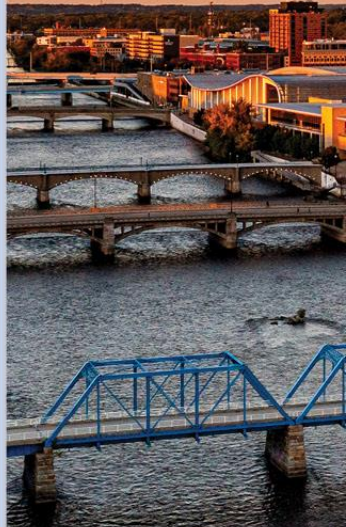
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All **States** are mandated to enact the Uniform Interstate Family Support Act. (UIFSA).

Tribes have not been required to enact UIFSA in order to receive federal funding for IV-D child support programs.



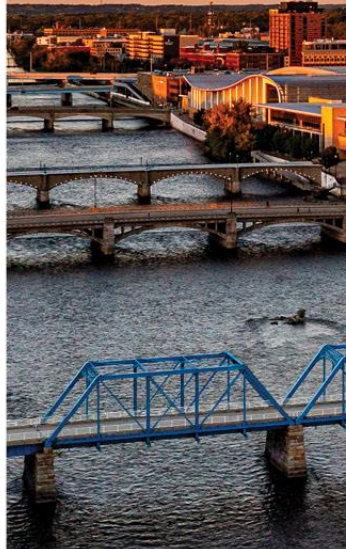
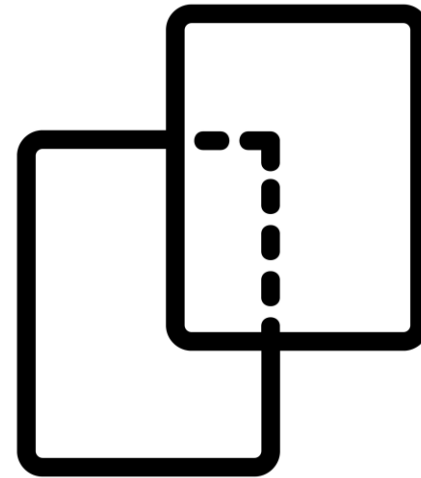
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UIFSA made intergovernmental case processing the same for every state and tribe, right?

Maybe, not quite...



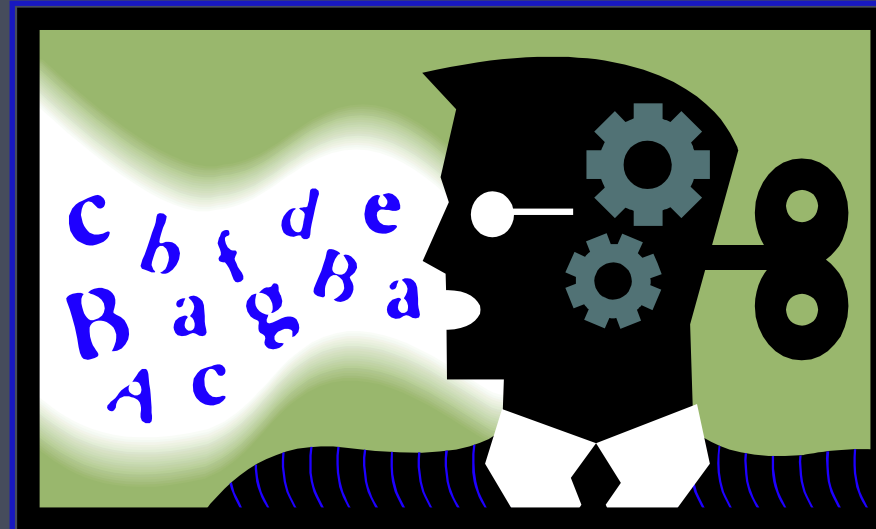
Each Jurisdiction Is Unique



- UIFSA allows for differences in rules, policies, and procedures that can make communication difficult.
- Each jurisdiction also has its own child support language.

Language Differences

CHILD SUPPORT *“SPEAK”*



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Language Differences

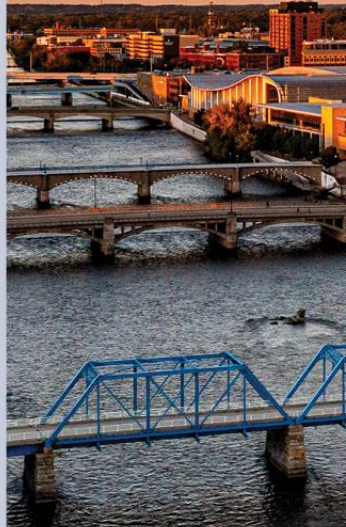
- Acronyms
- Types of Order
- Types of Courts
- Abated
- Former Assistance
- Closed



Identify the Party -- Obligor



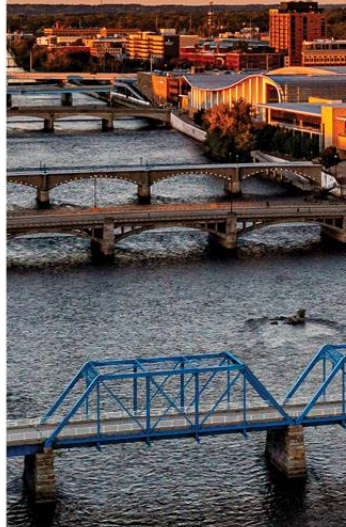
- Non-Custodial Parent (NCP or NP)
- Absent Parent (AP)
- Putative Father (PF)
- Alternate Residential Parent (ARP)
- Debtor
- Alleged/Presumed Father
- Petitioner/Respondent



Identify the Party -- Oblige



- Custodial Party (CP or CST)
- Custodial Unit (CU)
- Primary Residential Parent (PRP)
- Creditor
- Caretaker
- Petitioner/Respondent
- Recipient (AR)



Arrears??

- Past Due Support
- Delinquency
- Judgment
- Public Assistance (PA)
- Debt
- Retro
- Current Delinquency



Types of Orders

- Judicial Order
- Administrative Order
- Order of Financial Responsibility
- Debt Only
- Foster Care
- Service Agreements
- Judgment

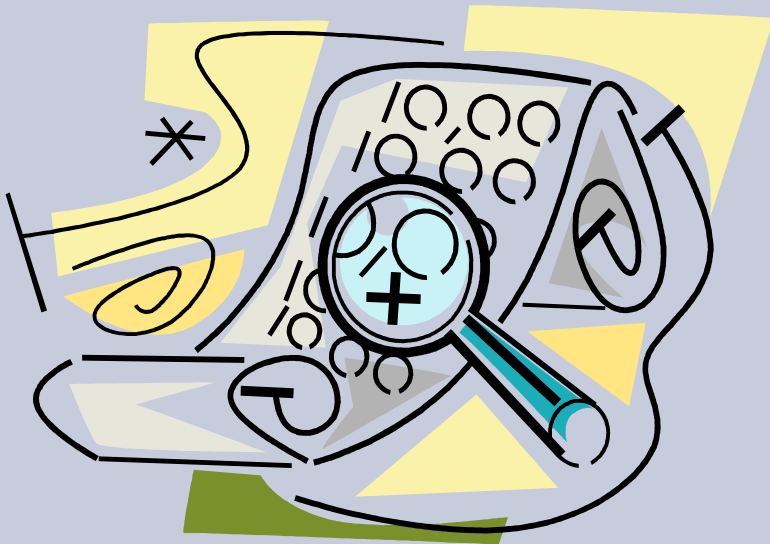


Tribal Courts

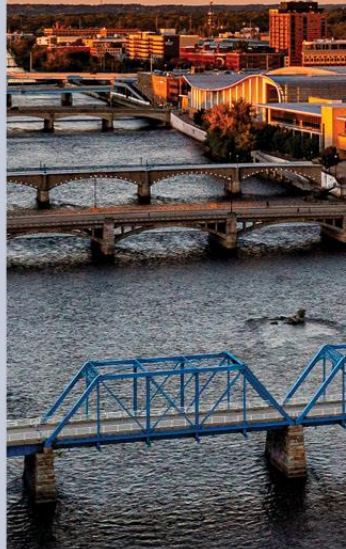
- Peacemaker Courts
- Elder Panels
- Encumbrance Orders
- Tribal Traditions & Customs.



You Want What?



- Calculation
- Month by Month
- Audit



Order Has Been Abated Does This Mean The Order Has Been.....

- Set to \$0
- Closed
- Dismissed
- Suspended
- Terminated



Types of Enforcement Hearings

- Contempt Hearing
- Show Cause Hearing
- Violation Petition

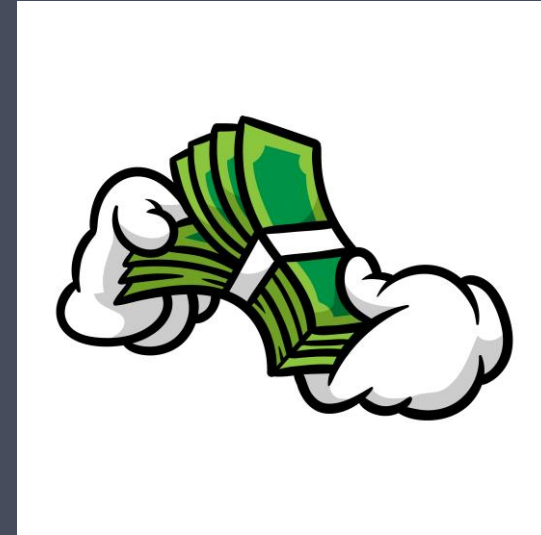


Encumbrance of BIA – IIM accounts:

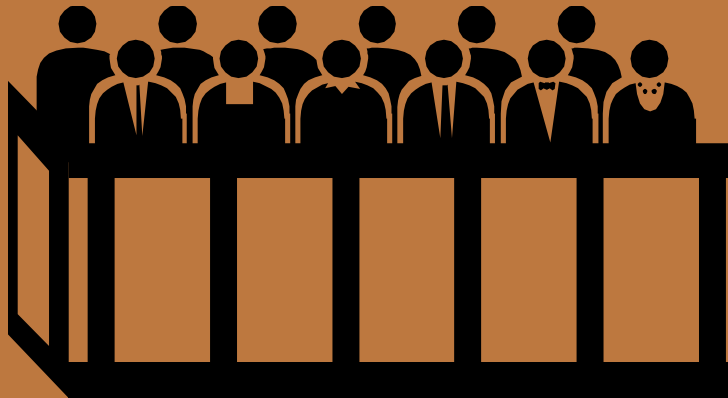
IIM Account – Individual Indian Monies Account

25 CFR Section 115.002 “ Court of Competent Jurisdiction “

25 CFR Section 115.601 (b) (1.) Receives an order awarding child support from your IIM account.



Types of Courts



- Family
- District
- Supreme
- Juvenile
- Superior



Types of Tribal Courts



Traditional Tribal Courts

Based on unwritten custom laws, traditions, practices, and the spiritual and moral values that are behind them, as passed down from tribal Elders. They often involve justice delivery by religious or other tribal leaders, particularly tribal Elders. The primary goal of traditional courts is typically to approach the problem in its entirety, using methods based on repairing lives, families, and communities, and restoring harmony and justice.

Modern Tribal Courts

The modern tribal court systems began with the passage of the Indian Reorganization Act in 1934. That Act encouraged the establishment of constitutional forms of tribal governments with tribally controlled judicial systems. These courts are all required to follow the guidance of the Indian Civil Rights Act, which is similar to the United States Bill of Rights

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FORMER ASSISTANCE

- The case is for TANF debt only.
- Current and/or arrears still due to obligee, but he or she used to be on TANF and there are also arrears due to the state.



IV-D OR Non IV-D?

- IV-D – established and/or enforced through child support enforcement
- Non IV-D (registry account) – existing order; no enforcement
 - Some states track balances, some do not



Case Closed



- The case is closed.
- The reciprocal action is closed; initiating case remains open.
- The order has been suspended.
- The order has been dismissed.



How Do We Define A “Case”?

There are many differences in how jurisdictions define and enforce cases.

Let's look at some examples.....



The Parties or the Order?

- Does the other agency define a “case” as the obligee, obligor, and child or as the court order?
- Can there be more than one obligee or obligor to a case?
- Does this change with an intergovernmental case?



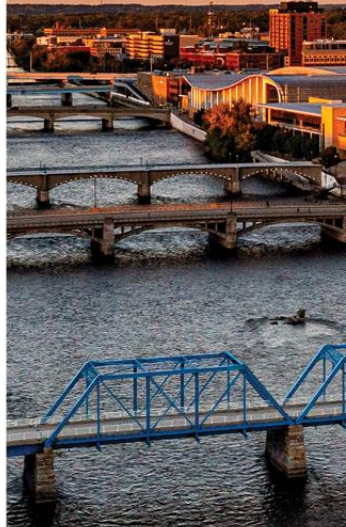
Case Transmittal vs. Case Transfer

States are allowed to choose either option.

Tribes are prohibited from transferring cases to states.



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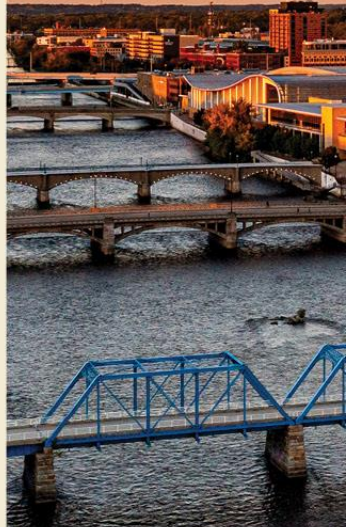
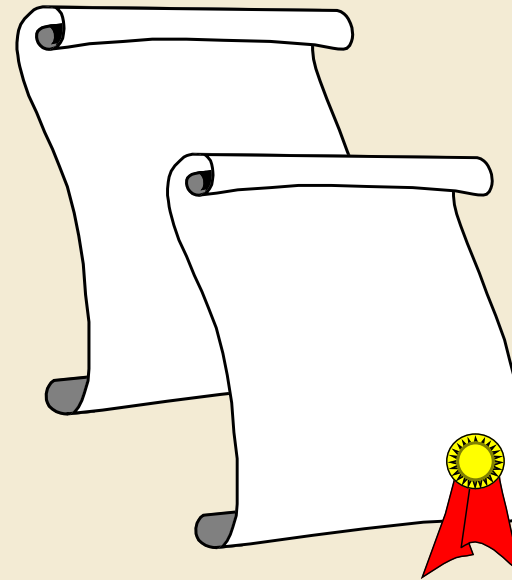


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How Many Orders?

If the parties include Mom, Dad, and 2 kids, but there is a different order for each child, is this....

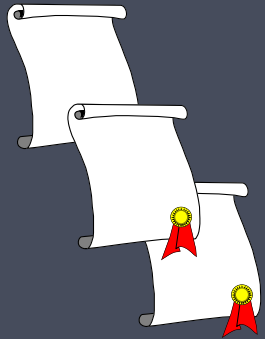
1 case or 2?



Enforcement Obligor or Court Order Level?

Many jurisdictions enforce at the **court order level**.

- An income assignment must be sent out on every court order and money received is applied only to that order.
- An obligor who pays directly must identify the case with the payment.



NO GO – DIRECT TRIBAL IWO

Tribal Entities - include:

- Tribal Governments
- Tribal Housing Authorities
- Tribal Health Care
- Tribal Treatment facilities
- Tribal Development Authorities
- Tribal Casinos
- Tribally owned businesses



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IWO – TRIBAL WAY

- Transmittal from State IV-D to Tribal IV-D
- Seek to register state order as foreign Order at Tribal Court'
- Attach Certified copies of the Order and Certified Ledger
- Register Order – receive Order of Registration, and Notice to Obligor
- Tribal IV-D issues IWO – obtains funds and sends to State.



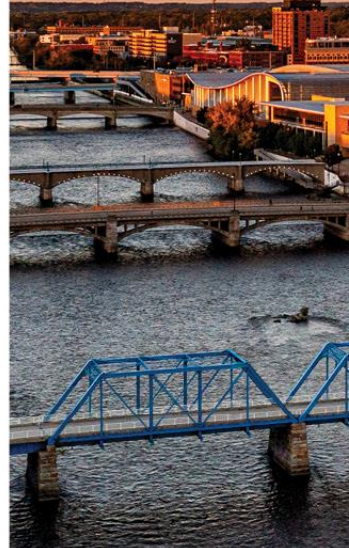
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Procedure and Policy Differences



There are also differences in what each jurisdiction's child support enforcement agency has the authority to do on a case.
For example.....



Procedure and Policy Differences

Is your jurisdiction able to:

- Accept a case for **state arrears only** when there is still current due, but the obligee is not receiving services?
- Enforce against an incarcerated obligor?
- Establish retroactive support/debt for a state or a custodial party?



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Change of Payee

- Modify?
- Establish?
- Redirection of Support Order



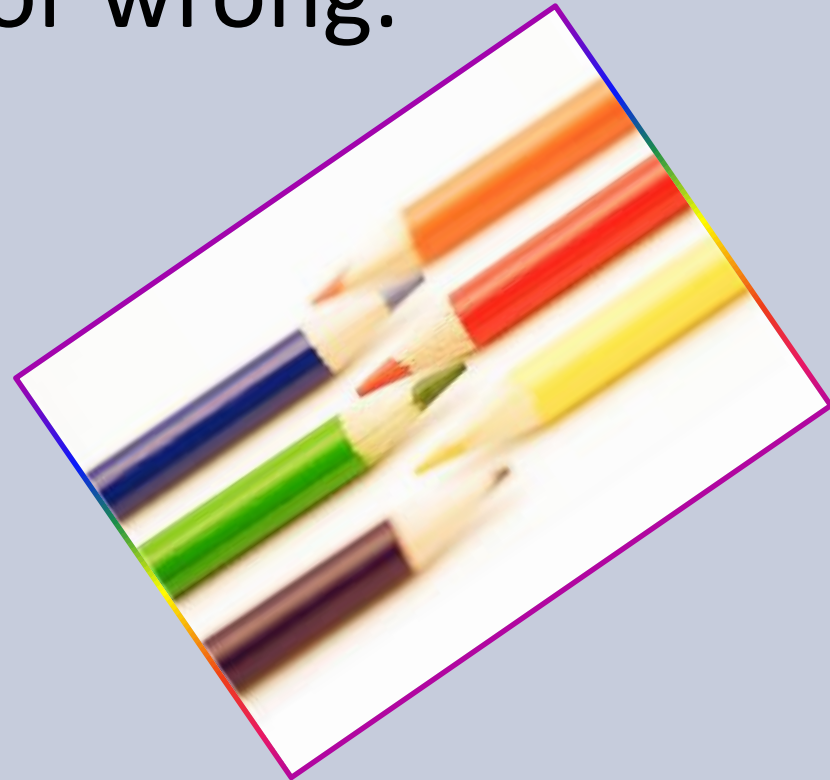
Role Reversal

- Modify?
- Establish?



The important thing to
remember is that ...

Neither jurisdiction is right or wrong.
They are simply different



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Is There Help for a Caseworker Trying to Figure This Out?



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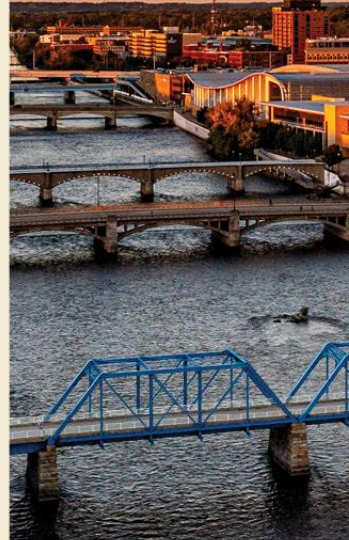
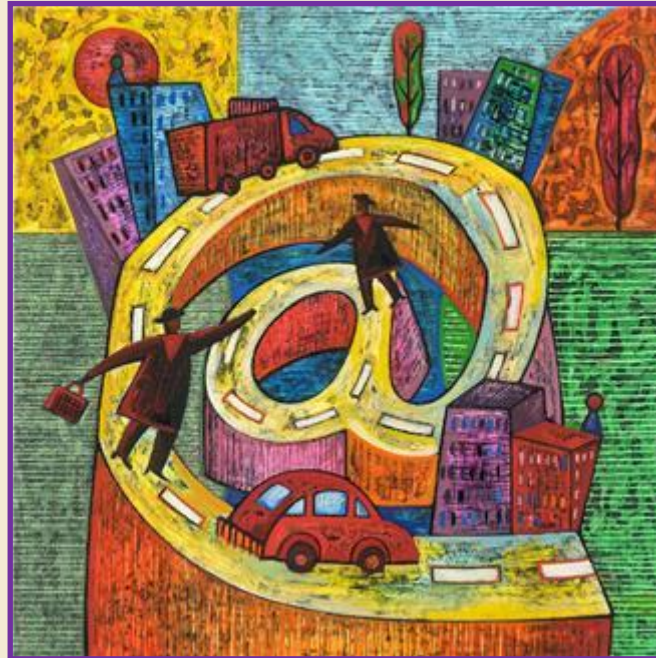
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Case Access Through Websites

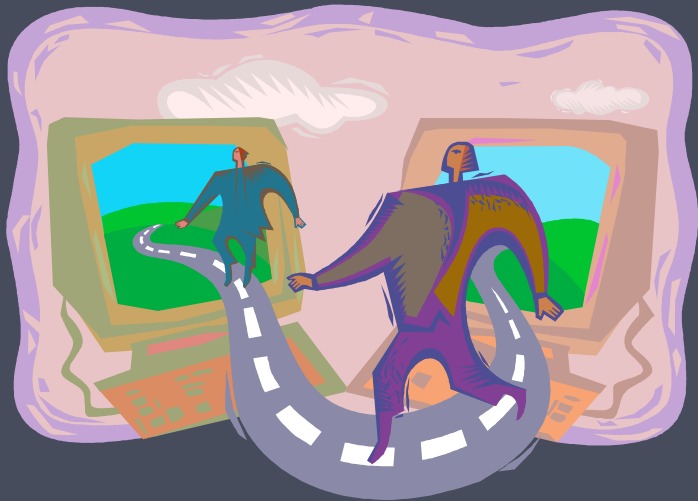
Some agencies allow other child support workers a “window” into their cases through a website.



What Information Can I Find?

Depending on the agency, you may be able to access:

- Case status and enforcement information
- Payment history
- Certified pay records
- Ledger balances
- Caseworker contact information
- Court order information



Reach Out and Touch Someone

How?

- Phone
- Email
- Internet
- CSENet

What?

Explain exactly what you need

When?

Is there a deadline? Hearing?



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An aerial photograph of the University of Utah campus during the 61st Annual Training Conference & Exposition. The image shows a large, multi-arched stone bridge spanning a river. In the foreground, a blue truss bridge crosses the river. The background features a cityscape with various buildings, including a prominent red brick building. The text "61ST ANNUAL TRAINING CONFERENCE & EXPOSITION" is overlaid in white, bold, sans-serif capital letters at the bottom of the image.



Intergovernmental Referrals Involving Indian Tribes



Congress amended Title IV-D of the Social Security Act in 1996 and 1997 to authorize direct federal funding to Indian Tribes and tribal organizations to operate child support programs (codified at 42 USC § 655.)

The Administration for Children and Families promulgated final regulations to implement direct federal IV-D funding to Tribes and tribal organizations on March 30, 2004. The regulations,

...emphasize that one of the key underlying principles of these final Tribal IV-D regulations is recognition of and respect for Tribal sovereignty and the unique government-to-government relationship between Indian Tribes and the Federal government. We have determined that the statute does not mandate that requirements imposed on Tribal IV-D programs be the same as those imposed on State IV-D programs as prerequisites for funding.

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Tribal Access Portal/FPLS

Independent Security Self-Assessment that the tribe must submit to OCSE

An independent self-assessment, also called an independent security assessment, is an assessment to validate existing security controls to make a determination of a general security posture of an IT system. Tribal child support programs can receive funds to pay for the security assessment using the child support grant funds if costs are determined to be reasonable, necessary and allocable to the tribal child support program.



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Time Differences



- PDT
- MDT
- CDT
- EDT
- International

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If You Feel Stuck....Start Digging!

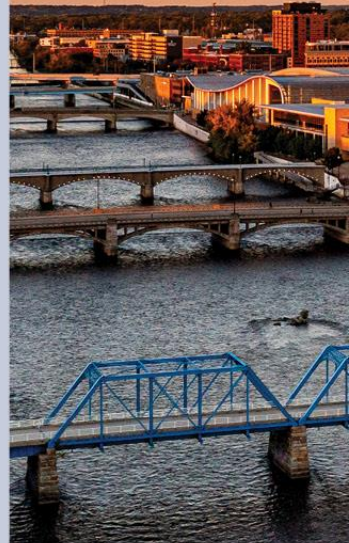


- If you find you are not getting a response through one channel, try another.
- If CSENet doesn't work, try the phone. If you can't get a return call, try e-mail.



Where Can I Find Contact Information?

- The IRG
- Public internet sites
- QUICK
- WICSEC pledge



Tribal Intergovernmental Reference Guide (IRG)

- Tribal Profile Questions –
- Tribal Contact Information–



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Office of Child Support Enforcement  **Child Support Portal**

CHILD SUPPORT PORTAL

Secured Environment

HOME PORTAL HOME EXCHANGE AGREEMENTS PROFILE QUERY DOWNLOADS RESOURCES FEEDBACK LOGOUT

☐ State ☐ International ☒ Tribe ☐ OCSE

----Select-----

Getting to the Right Person

Start with the worker because.....

- The worker is more familiar with the case
- People “up the chain” don’t want to be the point of contact



PROBLEM ANALYSIS SOLUTION

- Focus on “How do we solve this problem?”
- The worker in the other jurisdiction is your ally.
- Even if you can’t solve the problem at this level, you may be able to identify the source of the impasse.



Identify the Barrier...

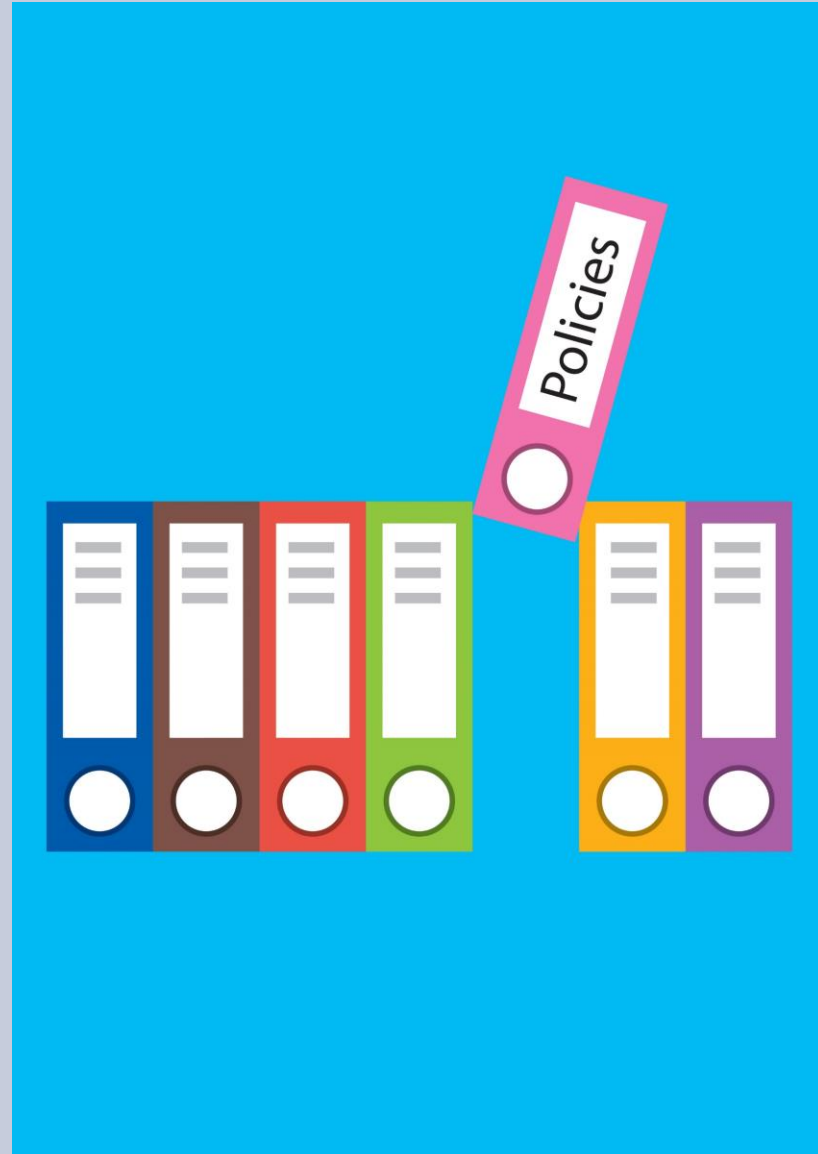
Getting Where You Want to Go

- Policy
- Rules
- Statute
- Case Law
- Computer System



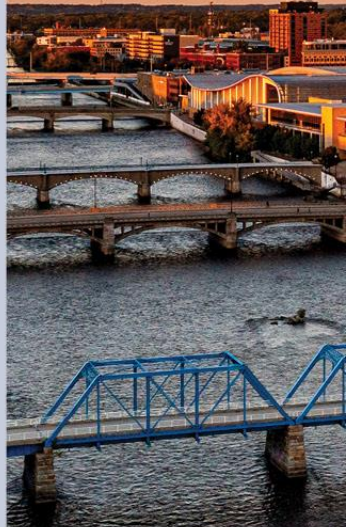
Policies

Learning about procedural and policy differences helps you understand the other agency's actions.



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It's the Law

What law?

- Your jurisdiction's interpretation of Federal law?
- Your jurisdiction's statutes?
- Your jurisdiction's case law?



Tribal Law

- Sovereignty
- Personal Jurisdiction
- Subject matter jurisdiction
- Customs & Traditions



Child Support Systems

Not all systems are created alike.



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Communication....
your key to success!



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