



ERICSA

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SAVANNAH

60TH ANNUAL TRAINING CONFERENCE & EXPOSITION

MONDAY, MAY 22 - FRIDAY, MAY 26, 2023

Common Mistakes in Intergovernmental Case Processing and How to Correct Them

Stacie Alexander, TN Central Registry

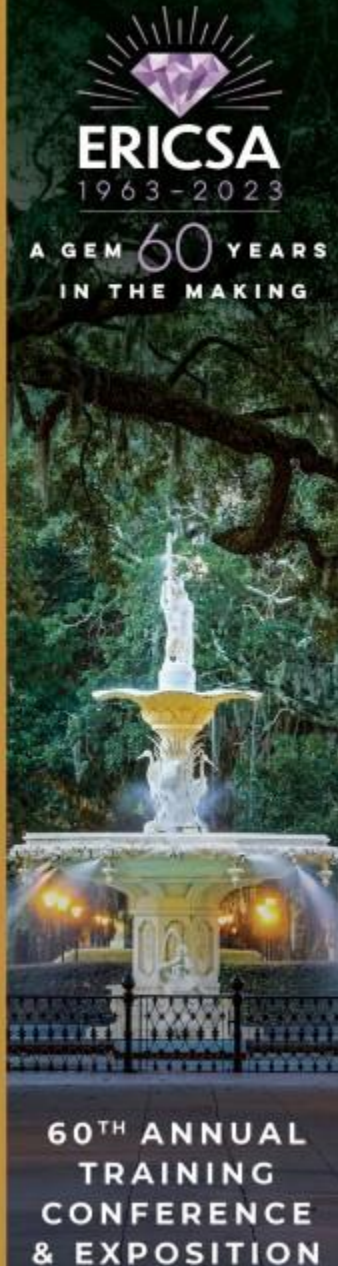
Elysia Rodriguez, Ho-Chunk Tribal Attorney, WI

Lara Webb Fors, J.D., MO

Moderator: Tammy Pearson, NC YoungWilliams



What are the most common errors that states, tribes, and other jurisdictions see when processing intergovernmental child support cases? How should these problems be corrected? Our panel of interstate case processing experts will discuss the habitual mistakes they see on both the caseworker level and in the judiciary when dealing with interstate cases, including best practices for completing UIFSA forms. Working with other states can sometimes be difficult, but this workshop should be able to help smooth the waters.



IV-D State Attorneys

- What kind of issues can cause a delay in setting up hearings or create problems during court proceedings?
 - Forms
 - Evidence
 - Child support agencies
 - Judges
- Delays with problems with the referral, delays in getting updated evidence to calculate guidelines, and delays by courts dismissing the action and making us start all over again.



Incoming—Forms

We all don't do it the same way!

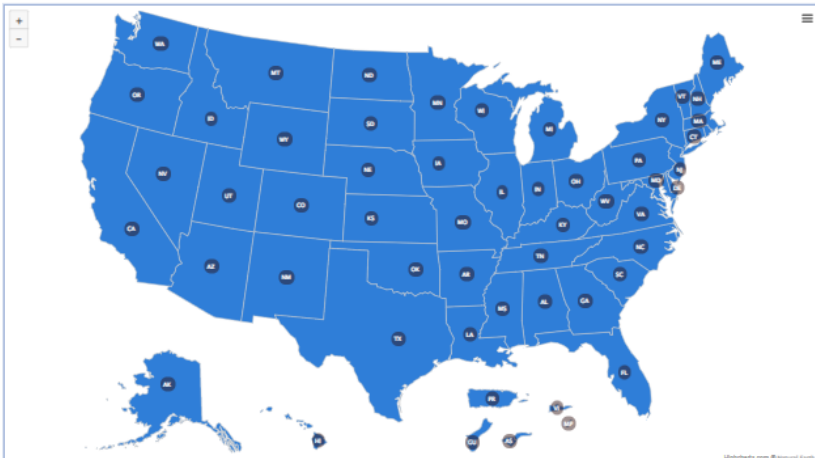
Intergovernmental Child Support Enforcement Forms

Query Interstate Cases for Kids (QUICK)

Intergovernmental Reference Guide (IRG) - Policy Profiles and Contacts

Listen

Select a State/Region/Territory



CSENet In

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Version 8.0



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Forms issues

- Completion Issues
- Legibility Issues
- These are the legal pleadings, so they must be accurate and complete



Related to the Forms issue—the attachments

- Paternity—Would this referral get past your Central Registry?
 - Paternity presumption based on marriage/born within X days of divorce—no marriage certificate/divorce decree
 - Genetic test presumption—no results
 - Alleged acknowledgment and birth certificate with dad's name—no VAP
- Arrearage Calculations Registration of Foreign Judgments
 - Arrearage Calculations/Balance Sheets/Ledgers/Pay History
 - How old is too old?
 - 3rd state's report can be really old
 - Interest—in the report only or first reduced to a judgment?



Side Bar about the IRG

- Insight into states' organizations
 - State-administered vs county-administered
 - States using county prosecutors to judicial work
 - Administrative vs judicial processes
 - Workflows
 - Specialized offices doing certain functions state-wide
 - State-admin states that use admin process using county prosecutors to send outgoing PATE/ESTA/MODI UIFSA referrals
 - Some county-admin states having counties do/not do TANF referrals
- Judges Rule!



Evidence—Incoming

- Attachments
- [UIFSA](#), Section 316: Special Rules Of Evidence And Procedure ([Section 454.1593 R.S.Mo](#))
 - (b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them,
 - which would not be excluded under the hearsay rule if given in person
 - is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.



Section 316: Special Rules Of Evidence And Procedure

- (c) A copy of the record of child support payments **certified as a true copy of the original** by the custodian of the record may be forwarded to a responding tribunal.
- The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.



Child Support Agencies

- Go you! I am so pleased and proud that you are here at ERICSA and meeting fellow professionals across the country!
- IJ Fairs—sign the pledge
- Give your direct info—even if the forms print out from your automated system, put it in the notes!—a sticky—a CSENet—in EDE!
- Remember that the only communication in the other state/jurisdiction should be with the IV-D agency—not their party. And don't give your party the other agency's contact info. Kindly refer calls/correspondence back to the right agency.
- Anticipate the RJ's needs if you asked them to establish or modify an order—keep gathering updated information for the guidelines.



Courts—Big 2

- Understanding UIFSA law
 - Shall allow out of state party to appear telephonically
 - Shall not address issues of custody and visitation



Out of State Applicant Not Required to Appear

- Section 316: Special Rules Of Evidence And Procedure
- (a) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.
- (*Section 454.1593 R.S.Mo*)



Out of State Applicant Not Required to Appear

- Section 104. Remedies Cumulative / [Section 454.1509 R.S.Mo.](#)
- (f) In a proceeding under sections 454.1500 to 454.1728, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.



No Orders for Custody and Visitation

Section 104. Remedies Cumulative /Section 454.1509 R.S.Mo.

(a) Remedies provided by sections 454.1500 to 454.1728 are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(b) Sections 454.1500 to 454.1728 do not:

(1) provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(2) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under sections 454.1500 to 454.1728.



Courts and Documents

- SECTION 104. REMEDIES CUMULATIVE/Section 454.1509 R.S.Mo.

(e) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.



Outgoing Referrals

- Right back at us! We didn't know what the office needed
- Bad practices lead to bad results
 - Responding Jurisdictions talking to cp directly/not involving agency in getting updated documents or in the hearing itself
 - Returning referrals without working on it together leads to delays
 - Important to give your contact info!



Better Practices

- Make friends in other places !!!
- Send letter to applicants to schedule an appointment with a document checklist for them to bring the docs with them to fill out the forms—don't give them the forms with a deadline to return them and not help them
- Call the responding jurisdiction's central registry or county where you think it's going before the applicant's appointment on paternity, establishment, or modification cases to make sure you complete the packet as needed and don't have to make additional contacts with the applicant



Better Practices

- Get the applicant's answers on the forms and type it in—don't use their (or yours) handwritten forms
- Give your direct contact info on the forms and return calls/emails
- Offer a training/meeting with your Courts to discuss UIFSA cases regarding the law and the technology/logistics of having the other parent appear
- Make a spreadsheet to record your experiences so you have a reference/reminder when you send to that jurisdiction again



SUCCESS THE FIRST TIME

Common issues delaying the processing of two-state requests.



What to Send - Initial Request

Forms Matrix is your guide to the minimum requirements

Action Requested	Federal Forms Required
Establish parentage* and establish and enforce a support order for • Current support • Retroactive child support • Medical support only	1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 1; also check 2.A and/or B or C.) 2. Child Support Agency Confidential Information Form 3. Uniform Support Petition 4. General Testimony 5. Personal Information Form for UIFSA § 311 6. Declaration in Support of Establishing Parentage (for each child)

https://www.acf.hhs.gov/sites/default/files/documents/ocse/intergovernmental_forms_matrix.pdf



Confidential Information Form (CIF)

- IV-D agency use only
- Transmittal 1 – CIF must be included
- Transmittal 2 – CIF needed for most actions
- Transmittal 3 – CIF needed when unknown IV-D case ID or tribunal number
 - FCR Query should be checked for the assisting state's IV-D Case ID

<https://www.acf.hhs.gov/css/training-technical-assistance/understanding-child-support-enforcement-intergovernmental-forms>

Personal Information Form

- To be filed with tribunal
- Must be included when requesting:
 - Establishment of Parentage
 - Establishment of Child Support Order
 - Registration & Modification of Child Support Order



Modifications – CEJ

- ❖ CEJ is only relevant when modification is requested.
- ❖ As long as one individual party or the child resides in the issuing state, that state retains the exclusive jurisdiction to modify – unless parties agree.
- ❖ If another state gains CEJ, it cannot modify terms of the original controlling order that are non-modifiable such as duration.



Transmission of Forms – Send all Initial Requests to Central Registry

EDE

Both states on EDE

1 copy of all documents
- including certified order

Select the correct state

POSTAL SERVICE

One state not on EDE

2 copies of all documents
- 1 order must be original
certified copy

Staples damage pages



Best Practice: Check your work before forwarding to the responding state.

Sending too much information is better than not enough.



Working With Tribal Agencies

How to get it right the first time!



Have you had any experience working with Tribal Child Support Programs?

Have you had any case where either parent is a member of a federally recognized tribe?



Treaties = Nation to Nation Relationships

- Treaties were originally entered into during colonial times, European settlers and traders would enter into agreements with tribes due to the reliance on tribal nations to survive and prosper.
- Following the war of independence, the federal government adopted the tradition of making treaties.
- Article VI of the U.S. Constitution reads: “All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby. “
- — United States Constitution, article VI, clause 2
- Treaties establish a unique sets of rights, benefits and conditions for the treaty-making tribes.



Tribal-Federal Relationship

- The Marshall Trilogy—*Johnson v. M’Intosh*, 21 U.S. 543 (1823); *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); and *Worcester v. Georgia*, 31 U.S. 515 (1832).
- The Trilogy established:
 - federal primacy in Indian affairs,
 - excluded state law from Indian country,
 - and recognized tribal governance authority.
- Tribal sovereignty is inherent, tribes are not states but domestic nations, and federal laws are applicable to tribes, not state laws.



Tribal Sovereignty – Self Determination

- Tribal Sovereignty
 - Inherent right to rule themselves
 - Original, not granted
 - Recognized by the U.S. government
- Tribal Self Determination
 - Greater autonomy for tribes
 - Tribes assume responsibility for programs and services administered to them.



How many federally recognized tribes are in the United States?

- 229
- 326
- 467
- 574
- <https://www.usa.gov/tribes#:~:text=Federally%20recognized%20American%20Indian%20tribes,the%20continental%20U.S.%20and%20Alaska.>



How many American Indians are in the United States?

- 300,000
- 3.7 million
- 5.9 million
- 9.7 million



Need for Tribal Child Support Programs

- Tribes are sovereign nations with the right to self govern
 - Have a right from Federal Government to have jurisdiction over their own tribal members and tribal matters
- Same purpose but different approach
- Support a child financially, but also emotionally and spiritually
 - Trauma informed approach
 - Tribes assert full jurisdiction to protect our children; to bring an end to a long and horrific history of exploitation and abuse.



Why should we know this?

- Tribal members are everywhere!
 - Forms should have screening questions regarding tribal membership
 - Membership is verifiable, this is where tribes are also helpful
 - Tribal membership includes Indian Health Services (medical coverage for the member AND their children).
- Tribal enterprises are employers!
 - In the ERICSA boundaries there are 39 tribes and approximately 100 gaming/entertainment facilities.
https://www.500nations.com/Indian_Casinos_List.asp
 - In the United States, tribal casinos currently **operate in 29 of 50 states**. There are 520 tribal casinos.
 - [Oklahoma](#) has the most tribal casinos with **140**, while [California](#) has the most gaming tribes with **68**. <https://www.playusa.com/us/tribal-casinos/>



Know what you are asking for and how this impacts what you submit.

- Wages – any = income
- Per capita payments - gaming revenue = income
- Oil/mineral/lumber – non-gaming revenue = income/non-income/both
- General Welfare Benefits – any type of revenue = non-income
 - Provided in accordance with the Tribal General Welfare Exclusion Act of 2014 (Act) Section 139E to the Internal Revenue Code. This section provides that gross income does not include the value of any **Indian general welfare benefit** if all the following requirements are satisfied:
 - The program is administered under specific guidelines and does not discriminate in favor of members of the governing body of the tribe.
 - The benefits provided under the program are
 - available to any tribal member who meets the guidelines;
 - for the promotion of general welfare;
 - not lavish and extravagant; and
 - not compensation for services.



Important Facts for Getting it right the first time.

- Currently 60 + tribal child support programs
- States follow UIFSA 2008
- Tribes follow Full Faith and Credit.
 - Full Faith and credit means: enforcement **up to the limits set by the enforcing jurisdiction's laws**. We can't give you what we don't have. (jail/excessive \$)



Benefits of Tribal Agencies

- ❖ Mechanism to navigate tribal court system
 - ❖ Some tribes have own tribal bar association, can't practice in court unless admitted
- ❖ Foreign IWOs
- ❖ Identifying tribal members
- ❖ Locate services
- ❖ Per-cap intercept/annuities/oil or mineral profits etc./tribal income
- ❖ **IHS eligibility – medical performance measure data point**
- ❖ Establishing paternity/ “enrollment”/establishing paternity in case of deceased parent
- ❖ No Birthing costs
- ❖ No interest



State Tribal Side by Side

State IV-D

- Two streams of funding
- CCAP/Electronic filing and case tracking
- EDE/CSNET
- More punitive enforcement

Tribe IV-D

- No CSNET
- No Electronic Document Exchange (EDE)
 - Need hard copies!
 - Electronic filing MAY be possible, due to COVID-19 response, but might not so you have to check with the tribe
- No Federal Tax offset
- Not required to adopt UIFSA
- No funding tied to performance measures
- No funds for registering the Voluntary Paternity Acknowledgement (VPA)
 - If parties do not comply we start paternity judicial proceeding
- No requirement for custody and placement
 - Non IV-D function
 - UNLESS tribe also funds separately



Tips on Working with Tribes

- First you have to find contacts:
 - www.acf.hhs.gov/css/resource/tribal-child-support-agency-contacts
 - Google
 - Inter-jurisdictional Contact Lists from ERICSA and WICSEC
 - National Tribal Child Support Association
 - Does your state have a Tribal Liaison? Tribal Relations Team? Centralized office that specializes in working tribal cases?
- Then you might need their codes or rules:
 - Native American Rights Fund Tribal Law Gateway– May not be up to date, so go to the source <https://narf.org/nill/triballaw/index.html>
 - Google the tribal code
 - Tribal website – some tribes do not publically post their laws, sometimes due to a “proprietary interest” of a consultant/firm but if you reach out to the agency or department of justice/legal department they will usually provide the code.



www.acf.hhs.gov/css/resource/tribal-child-support-agency-contacts

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Tribal Child Support Agency Contacts

Tribal Child Support Agency Contacts

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Current as of: December 5, 2022

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

TRIBE NAME	MAILING ADDRESS	PHONE & EMAIL
Alabama-Coushatta Tribe of Texas	Director 571 State Park Road Livingston, Texas 77351	Office: (936) 563-1331 Email: Robinson1.candice@actribe.org



Not this: <https://www.acf.hhs.gov/css/contact-information/state-and-tribal-child-support-agency-contacts>

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[Home](#) > [Office of Child Support Enforcement \(OCSE\)](#) > [Contact Information](#) > [Contact Information for State and Tribal Child Support Agencies](#)

Resources

- [Find a Local Child Support Office](#)
- [IRG - Program Policies and Contacts](#)
- [Intergovernmental Forms](#)
- [Commissioner's Voice Blog](#)
- [Child Support Report Newsletter](#)

Contact Information for State and Tribal Child Support Agencies

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Publication Date: April 13, 2021 | **Current as of:** June 13, 2022

OCSE does not provide services directly to families.

Select a state from the map or dropdown list to find your local child support office to apply for child support or get help with your case.

NOTE: To see VT, RI, and DC abbreviations on the map, press CTRL + to zoom in.

You can also [download the alphabetical list of tribal child support programs](#).



The Intergovernmental Resource Guide

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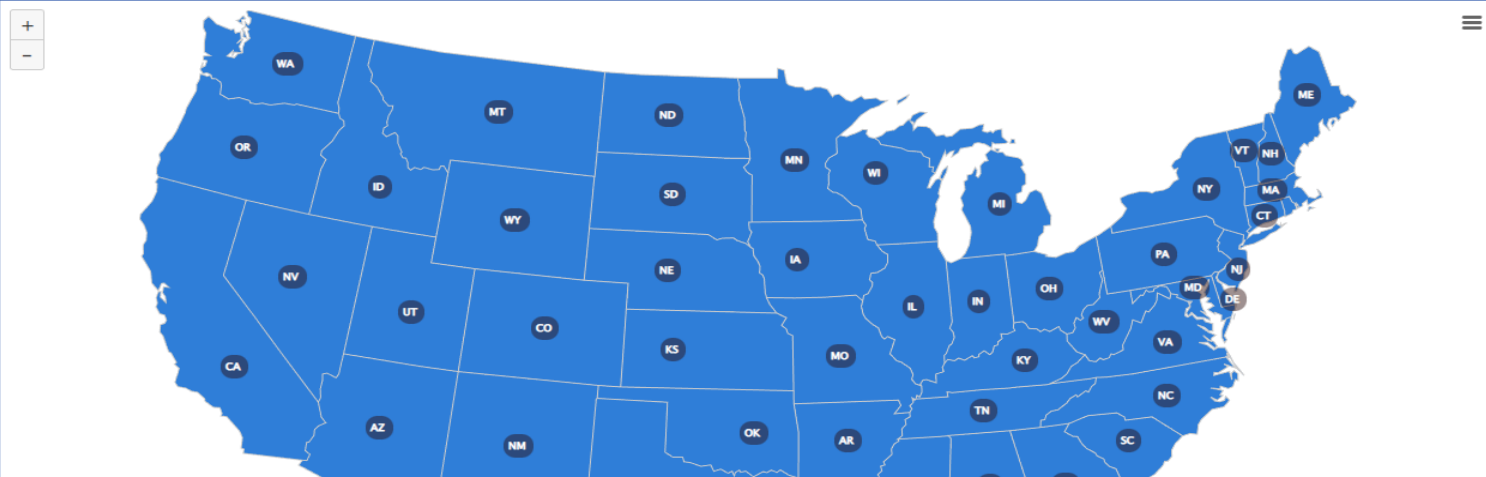
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439 - Ho-Chunk Nation

GO

Ho-Chunk Nation

Profile

Contact

Program Category:

Select All

Updated On: 24 Feb 2023
Certified On: 24 Feb 2023
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1. Tribal Sovereignty

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." Tribes are not required to adopt the Uniform Interstate Family Support Act (UIFSA) as states are required to do. UIFSA compels a State employer to honor a withholding order sent directly from another State or Indian Tribe. All federally funded tribal child support programs have adopted procedures for recognition and enforcement of foreign child support orders, consistent with the Full Faith and Credit for Child Support Orders Act.

2. General/Program-At-A-Glance

1. What is your tribal locator code?

The address is Ho-Chunk Nation CSA, P O Box 245, W9598 Highway 54 East, Black River Falls, WI 54615. Phone is 715-284-1052, Fax is 715-284-2024, web site is www.ho-chunknation.com



IRG Continued

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☐ State ☐ International ☒ Tribe ☐ OCSE

439 - Ho-Chunk Nation

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Ho-Chunk Nation

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Address Type:

-Select-

Region:

-Select-

Last Name:

-Select-

Search

First Name	Last Name	Address Type	Department	Phone
☒ Linda	Moser-Buse	Tribal Office 1	Ho-Chunk Nation	

* Signifies startup grantee

View



Easy Peasy Lemon Squeezey?

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Ho-Chunk Nation

Profile **Contact**

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Contact Information

BIA Code - Tribe: 439 - Ho-Chunk Nation
First Name: Linda
Department Name: Ho-Chunk Nation
Title: Director
Address Line 1: P O Box 245
Address Line 2: W9598 Highway 54 East
City: Black River Fall
Zip Code: 54615

Public Phone: -
Email Address: linda.moser-buse@ho-chunk.com
URL: https://ho-chunknation.com/
Comments:
Modified: 03/30/2021

Region: V - Chicago
Last Name: Moser-Buse

State : WI

Fax1: 7152842024
Fax2:

Certified: 02/24/2023

Address Types

☒ Tribal Office 1



Other handy tools?

- State tribal matrix? – visual and easier to read straightaway
- Reach out to a colleague at another tribe, they may be able to help/advise
- What has worked for you?



Deficiency Letter ☹️



HO-CHUNK NATION DEPARTMENT OF SOCIAL
SERVICES
DIVISIONS:

Youth Services Child and Family Services
Community Support Services Tribal Aging

Child Support Agency

Dear Date:

RE:

The Ho-Chunk Nation Child Support Agency is unable to process the *Income Withholding Order* or register this foreign *Child Support Order* for the following reasons:

- ☐ Failure to include a **Certified** copy of the Foreign Judgment / Order. *See* CHILD SUPPORT ENFORCEMENT CODE (hereinafter CSE CODE), 4 HCC § 7.36(b)(i).
- ☐ Failure to include a **Certified** copy of the **Child Support Arrears** that clearly delineates what the arrears are made up of. *See* CSE CODE, 4 HCC § 7.36 (b)(1)(3) As you are requesting arrears to be deducted.
- ☐ Failure to include an **Application** or **Transmittal-#1-Initial Request** requesting the registration of the Foreign Court Order or Income Withholding Order/Notice W/New Trans.#1 the Confidential Information is required, as it states on Pg. 1.
- ☐ Failure to include the **Income Withholding Notice/Order for Support.**
- ☐ Other:



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How not to drive yourself crazy.

- Don't feel bad if it gets confusing
- Be patient
- Trust that the tribal agency knows their jurisdiction
- Sometimes it is better if you have a supervisor or the attorneys talk to each other
- Send the most recent order, don't try to pull a fast one
- Remember the differences between the jurisdictions



Tribal/County Scenario

- M, mom and tribal member, has C child with D (dad) non tribal member.
- M and D have child support order in tribal court. They then start fighting about custody.
- M opens custody proceeding in Tribal Court, then closes it.
- D opens custody case in district/county court. The attorneys for both sides try to figure out which jurisdiction should host the custody battle. County CSA attorney keeps asking Tribal CSA attorney to advise/invites the tribe to be part of the discussion/process.
- Which jurisdiction should host the custody case?



Thank you!

Elysia Rodriguez
Tribal Attorney
Ho-Chunk Nation Tribal Child Support Agency
Elysia.Rodriguez@ho-chunk.com

Stacie Alexander
Tennessee Central Registry Director
Child Support Program
stacie.alexander@tn.gov

Lara Webb Fors, J.D., MO
Attorney
Webb Fors Mediation & Law, Missouri
larawebbfors@outlook.com

Tammy Pearson
North Carolina Director of Operations
YoungWilliams CSS
Tammy.Pearson@YoungWilliams.com

