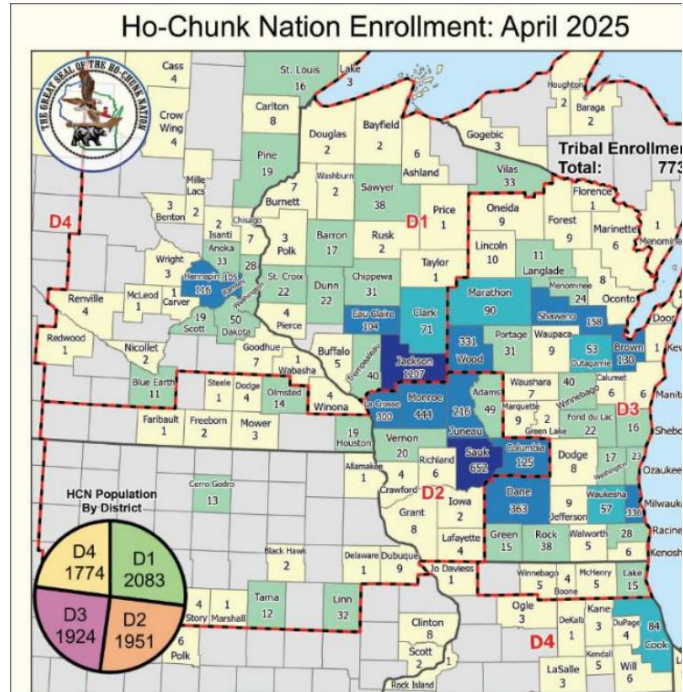


https://ho-chunknation.com/wp-content/uploads/2025/03/03.18.25-4-HCC-7-Child_Support_Code.pdf



Number of Districts:	4
Number of cases:	1,063
Foreign cases:	503
Domestic cases:	560

Ho-Chunk Nation Child Support Agency (Organization)

- The Ho-Chunk Nation (HCN) Child Support Agency is tribe administered and tribe operated. The agency is located in Black River Falls, WI.
- The Ho-Chunk Nation has several communities located throughout the State of Wisconsin. We have members located in all 50 States. As of August 29, 2024, there are 7,754 registered Ho-Chunk members. As of September 2025, the Ho-Chunk Nation employs between 1,584 and 2,500 non-tribal employees at any one time throughout the past decade. The Ho-Chunk Nation's government office is located in Jackson County, Wisconsin.
- NEW: HCN program is both administrative and judicial. Foreign (interstate) cases are processed administratively until or unless there is an objection and then there is a judicial option. Domestic cases (HCN initiated) require a judicial order. The HCN does have both administrative and judicial processes for paternity establishment.
- HCN uses the WI KIDS (Kids Information Data System) in part for maintaining the official financial records for IV-D cases.
- By law, all payments on HCN orders are required to be made through the WI Support Collection Trust Fund (WI SCTF). HCN's IV-D caseload was 1,063 close of FFY 2024.

Applying for IV-D Services/Collection of Fees

- There is no application fee for an applicant applying for IV-D services, all non-referrals must complete an application.

- There are no fees at all, even R&D fees.
- The only fee is the \$10 to have vital statistics process requests to update a birth certificate. In administrative paternity cases, if the parties do not provide a money order to the agency to send in the fee then the agency will then move to judicial process to have the birth certificate updated.

Guidelines Used to Calculate Child Support Orders

- The HCN Child Support Standard is adopted, same as the WI guidelines. A percentage of the payer's gross income and assets is set at a fixed dollar amount. The percentage standards in HCN are: 17% for 1 child; 25% for 2 children; 29% for 3 children; 31% for 4 children; 34% for 5 or more children.
- Provisions for high-income payers, low-income payers, shared-placement, and split-placement.

Interest

- None.

Age of Majority—H0-Chunk Nation Statute § 7.51(j)(iii)(c).

- The emancipation age in WI is 18, HCN adopts similar language in WI orders. Support continues if the child is still in high school, in which case support continues until age 19.

Wisconsin Support Collection Trust Fund (WI SCTF)- State Disbursement Unit

- WI statute requires that all child support payments (on IV-D and non-IV-D cases) must be paid through the WI SCTF. This is also reflected in HCN orders.
- No cash payments are accepted.

Obtaining Financial Documents/Court Orders

- The HCN CSA child support agency is the official keeper of payment histories. A certified payment history can be obtained and copies of court orders can also be obtained through the local child support agency. The agency is attached to the Tribal Court building complex.

UIFSA Transmittals/CSENet

- HCN uses the current federal forms.
- HCN is not able to access to EDE.
- Electronic copies can be emailed to the worker to speed along the process, with the understanding that the hard copy will be put in the mail. Nothing will be fully processed until the hard copy is received.

Obligation Frequency

- Support orders are charged on a monthly basis pursuant to the child support guidelines.
- System automatically converts orders of other frequencies (e.g., weekly, bi-weekly, etc.) to a monthly charge amount.

New Caretaker for Children

- If no order exists in HCN for the child/children and a new caretaker has custody, a petition for child support must be filed to establish support for the new caretaker.
- This same scenario applies if a child is placed in protective custody, if the parent does not have an existing child support obligation for the child. The petition for child support needs to be filed on behalf of the state or tribal Children and Family Services.

Distribution of Support

- The HCN has no limitations on how wage income is distributed.
- Per capita (income) or general welfare benefit (non-income) payments are regulated. Per capita was only applicable to current support or principal balance for arrears, no fees or interest. General welfare benefits are only garnishable for domestic cases.

Retroactivity

- Modifications are retroactive to the date the motion to modify is filed with the court.
- A support order must be made retroactive to either:
 - Back to the date of filing of the child support action with the court.
 - In special circumstances, may go back to the date of a companion case petition (Divorce, custody and placement, or paternity).

Enforcement Tools

- Administrative enforcement is based on court orders.
- If the order is foreign (jurisdictions outside of HCN), the order must be reviewed by the agency before any of the administrative enforcement functions like liens, credit bureau reporting, license suspension (driver's, occupational, and recreational), passport denial, and account seizure can be invoked.
- Domestic cases are judicial, contempt action is used regularly. HCN may require the payer to have a daily fine for noncompliance tacked onto the support obligation owed to the payee.

Child Support Lien/Credit Bureau Reporting

- Debt qualifies for lien docket/credit bureau reporting if the arrearage debt equals or is greater than \$500 or one month of support, whatever is greater.
- Lien arrearage debt does not include interest, fees, or costs.
- The obligor cannot have a bankruptcy action pending and all obligors on the lien docket must have a SSN and all due-process timelines must have expired.

- Liens must be filed with the County Registry of Deeds and State Department of Transportation.
- Liens attach to real and personal property, not to a specific piece of property.
- Vehicle liens are effective only if the lien is printed on the title.

Review and Adjustment/Modifications

- Reviews are every two years. If a request for review is received outside of the 24 month cycle, it must meet the substantial change in circumstances. If the requesting party demonstrates substantial change in circumstances, adjust the order according to the state's guidelines. The threshold is 15% and \$50 per month change in the ordered amount.
- All modifications are judicial. If the parties agree to the modification, parties can do a stipulation and order, which must be approved/signed by a judge and the agency attorney. If there is no agreement between the parties a hearing can be set.
- For an interstate case, other states must submit a Transmittal #1, Confidential Information Form, Personal Information Form, Uniform Support Petition, and General Testimony, along with any supporting documentation when requesting a review and modification of a HCN order.

Case Closure

- HCN applies federal case closure criteria.
- The child support agency must notify the initiating agency when it closes a foreign/interstate case.

Paternity Acknowledgment/Paternity Affidavits/PATH (Paternity Acknowledgment through Hospitals)

- Use of State of Wisconsin VPA. Encourage genetic testing before the signing of any VPA. Genetic testing is free.
- Full faith and credit is given to paternity determinations made by another jurisdiction regardless of whether it was made through voluntary acknowledgment, judicial, or administrative process. Except if the case is before Judge Lowe, she may require a copy of the signed VPA, or other evidence that is near impossible to obtain and frustrate the whole process. Very difficult to add later born children.

Incarcerated Parents

The HCN focuses on ability to pay, due to the receipt of general welfare benefit (non-income) an incarcerated payer can continue to pay on domestic cases. Therefore, incarcerated payers support obligations are not suspended for Domestic cases. Only domestic cases can have support obligations met through garnishment of the General Welfare benefit. The General Welfare benefit is non-income issued monthly to tribal members who have submitted an application.

HCN Update/New Additions

- Administrative processing for foreign cases: this has sped up the processing times for this type of case as it no longer relies on the Tribal Court. The court is only involved if there is an objection to enforcement of a foreign order, after the party meets with the agency attorney for questions and clarification. So far no one has objected.
- Administrative processes: the addition of various processes that used to rely heavily on judicial participation: paternity, redirection of support, income stream modification (wages/per cap/general welfare), suspension (wage), have assisted the agency in efficient processing of requests for modification.
- Codified transfer process: the process used to be just a court policy, now it is codified. There is an uptick in transfers, due to the inability of the general welfare benefit to be garnished for foreign cases. There is supposed to be a voluntary garnishment form for this, but it has not materialized.
- Specialization: the HCN agency workers used to carry out a variety of tasks, handling paternity, domestic and foreign enforcement. Now the staff have dedicated specializations. This has eased the training process and staff are on boarded much faster.