

Chapter 26.25 RCW
COOPERATIVE CHILD SUPPORT SERVICES—INDIAN TRIBES

Sections

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RCW 26.25.010 Purpose. The legislature recognizes that Indian tribes are sovereign nations and the relationship between the state and the tribe is sovereign-to-sovereign.

The federal government acknowledged the importance of including Indian tribes in child support systems established by the federal government and the states. The personal responsibility and work opportunity reconciliation act of 1996, P.L. 104-193, provides Indian tribes the option of developing their own tribal plan and tribal child support enforcement program to receive funds directly from the federal government for their own Title IV-D program similar to that of other states. The act also expressly authorizes the states and Indian tribe or tribal organization to enter into cooperative agreements to provide for the delivery of child support enforcement services.

It is the purpose of this chapter to encourage the department of social and health services, division of child support, and the Indian tribes within the state's borders to enter into cooperative agreements that will assist the state and tribal governments in carrying out their respective responsibilities. The legislature recognizes that the state and the tribes each possess resources that are sometimes distinct to that government. The legislature intends that the state and the tribes work together to make the most efficient and productive use of all resources and authorities.

Cooperative agreements will enable the state and the tribes to better provide child support services to Indian children and to establish and enforce child support obligations, orders, and judgments. Under cooperative agreements, the state and the tribes can work as partners to provide culturally relevant child support services, consistent with state and federal laws, that are based on tribal laws and customs. The legislature recognizes that the preferred method for handling cases where all or some of the parties are enrolled tribal members living on the tribal reservation is to develop an agreement so that appropriate cases are referred to the tribe to be processed in the tribal court. The legislature recognizes that cooperative agreements serve the best interests of the children.
[1997 c 386 s 60.]

RCW 26.25.020 Cooperative agreements—Authorized. (1) The department of social and health services may enter into an agreement with an Indian tribe or tribal organization, which is within the state's borders and recognized by the federal government, for joint or cooperative action on child support services and child support enforcement.

(2) In determining the scope and terms of the agreement, the department and the tribe should consider, among other factors, whether the tribe has an established tribal court system with the authority to

establish, modify, or enforce support orders, establish paternity, or enter support orders in accordance with child support guidelines established by the tribe. [1997 c 386 s 61.]

RCW 26.25.030 Cooperative agreements—Contents. An agreement established under this section may, but is not required to, address the following:

- (1) Recognizing the state's and tribe's authority to address child support matters with the development of a process designed to determine how tribal member cases may be handled;
- (2) The authority, procedures, and guidelines for all aspects of establishing, entering, modifying, and enforcing child support orders in the tribal court and the state court;
- (3) The authority, procedures, and guidelines the department and tribe will follow for the establishment of paternity;
- (4) The establishment and agreement of culturally relevant factors that may be considered in child support enforcement;
- (5) The authority, procedures, and guidelines for the garnishing of wages of tribal members or employees of a tribe, tribally owned enterprise, or an Indian-owned business located on the reservation;
- (6) The department's and tribe's responsibilities to each other;
- (7) The ability for the department and the tribe to address the fiscal responsibilities between each other;
- (8) Requirements for alternative dispute resolution procedures;
- (9) The necessary procedures for notice and the continual sharing of information; and
- (10) The duration of the agreement, under what circumstances the parties may terminate the agreement, and the consequences of breaching the provisions in the agreement. [1997 c 386 s 62.]

RCW 26.25.040 Rules. The department of social and health services may adopt rules to implement this chapter. [1997 c 386 s 63.]