

HOUSE BILL ANALYSIS

HB 2094

Title: *An act relating to cooperative agreements for child support with Indian tribal reservations.*

Brief Description: *Providing cooperative agreements for child support between the department of social and health services and Indian tribes.*

Sponsors: *Representatives Costa, Cooke, Skinner and Blalock.*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *March 4, 1997.*

Bill Analysis Prepared by: *Doug Ruth (786-7134).*

Background: *Because Indian tribes are considered sovereign nations within the United States, they are immune from suit in state court. The scope of this immunity includes wage garnishment actions, actions to establish paternity and other child support enforcement mechanisms. This immunity makes it difficult for the state to collect child support from tribal members and employees of tribes. Consequently, the Division of Child Support has a policy of refraining from issuing garnishment actions for child support against employees of Indian tribes, tribal enterprises and Indian-owned businesses on Indian reservations. Despite this jurisdictional restriction, state child support agencies are expected to provide the same level of support services to Indian families as to non-Indian families.*

The department has dealt with this sovereignty problem by negotiating intergovernmental agreements with tribes. There are 27 federally recognized Indian tribes in Washington, and the Division of Child Support has entered into intergovernmental agreements with three of them. The state's authority to enter into these agreements is derived from the Interlocal Cooperation Act, Chapter 39.34 RCW.

Summary of Bill: *The department is explicitly authorized to enter into cooperation agreements with Indian tribes to facilitate child support enforcement. Under agreements entered into by the department, the state and a tribe may develop procedures for establishing, modifying and enforcing child support orders, paternity orders and wage garnishment orders in tribal and state court. The agreements may also outline the financial responsibilities of each entity, create alternative dispute resolution procedures, identify culturally relevant factors, develop information*

sharing procedures, establish termination rules and provide consequences for violating the agreement.

Appropriation: *None.*

Fiscal Note: *None requested.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*