

Child Support Distribution in Tribal IV-D Cases

Participant's Guide
January 2006

Child Support Distribution in Tribal IV-D Cases

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MODULE 1

Introduction to Tribal Child Support Distribution

TRAINING NOTES

MODULE 1: INTRODUCTION TO TRIBAL CHILD SUPPORT DISTRIBUTION

1.1 WARM-UP EXERCISE

Participants will complete a warm-up exercise to become familiar with each other and the trainer. Participant introductions will be conducted as part of this exercise.

Team up with another participant. Take turns asking each other the following questions. After you have interviewed each other, you will introduce your partner to the larger group.

Questions:

1. What is your name?
2. Which Tribe do you represent?
3. How long have you been in your current position?
4. How long have you worked in the child support program? What was your background before child support?
5. What experience have you had with child support distribution?
6. What are your expectations for this training program?

TRAINING NOTES

1.2 TRAINING AGENDA

TRAINING AGENDA

9:00 - 9:30	Module 1: Introduction to Tribal Child Support Distribution
9:30 - 10:30	Module 2: Tribal TANF and the Assignment of Child Support
10:30 - 10:45	Break
10:45 - 12:00	Module 3: Tribal IV-D Child Support Distribution
12:00 - 1:00	Lunch
1:00 - 1:30	Module 4: Coordinating Tribal Child Support Distribution with Tribal and State TANF and Foster Care Programs
1:30 - 2:30	Module 5: Tribal Child Support Distribution Case Studies
2:30 - 2:45	Break
2:45 - 3:15	Module 5, cont'd: Review Tribal Distribution Case Studies
3:15 - 3:30	Module 6: Tribal Child Support Distribution Policy Options
3:30 - 4:00	Wrap-Up and Evaluation

TRAINING NOTES

1.3 WHAT IS CHILD SUPPORT DISTRIBUTION?

So your program is off and running and you get your first payment in the door. What do you do with it?

Aside from the physical activities of depositing the payment and then cutting a check to the payee(s), there are particular rules that must be followed to determine how the payment should be credited to a paying parent's obligations and debts, and in what order these obligations and debts should be paid. This is what we call child support "distribution."

States have many distribution rules to follow under Federal law. For Tribes, however, there exist a number of options available to allow for the Tribe to institute its own policies regarding distribution in the Tribe's child support program.

In this course, you will learn what the Federal rules are regarding the assignment and distribution of child support in Tribal cases, how to apply these rules in the operation of your programs, and what kinds of policy options are available to the Tribes so that you can design your program in a way that fits the needs of your communities.

TRAINING NOTES

1.4 BASIC CHILD SUPPORT DISTRIBUTION TERMS

Child support distribution requires the knowledge of some basic terms.

Depending on your background in the child support program, you may or may not be familiar with some of these terms. We are going to cover these terms now before we get into the nuts and bolts of assignment and distribution.

- **Current Support** – this is the amount of child support ordered to be paid each month as ongoing support

- **Arrears** – this is the amount of child support that is owed for a prior period of time.

- **Distribution** – this is the term used to describe how a child support payment is allocated to current support, to arrears, and to different debts owed to the family and/or to a Tribe or other jurisdiction.

- **Disbursement** – this is the term used to describe the amount of child support sent to the payee. Disbursement is distinct from “distribution” in that disbursements are the amounts that are actually remitted to the payee, where “distribution” describes how a payment is allocated to various obligations and debts owed by the paying parent.

- **Assignment** – when a family applies for Temporary Assistance for Needy Families (TANF), the family can be required to give (assign) to the Tribe any rights the family has to child support owed to the family. An assignment allows the Tribe to retain child support collected to help reimburse the Tribe for any TANF grant monies paid to the family.

TRAINING NOTES

1.5 CHILD SUPPORT DISTRIBUTION STATUTES AND REGULATIONS

For the States, the rules for child support distribution are largely governed by Federal laws and regulations. While the Tribes have far fewer Federal rules to apply to distribution, it may be helpful to understand what is required of the States, as a Tribe may wish to use some of the rules when setting their own distribution policy.

The Federal rules for child support distribution are contained in the following statutes and regulations:

45 CFR 309.115 – this final rule contains the requirements for child support distribution in Tribal IV-D cases. We will be discussing the rules under this regulation in greater detail later in this training course.

45 CFR 286.155 – this rule explains that the Tribe may condition eligibility for Tribal TANF assistance on the assignment of child support to the Tribe.

Sections 408(a)(3) and 457 of the Social Security Act (as amended by PRWORA) – PRWORA changed many aspects of child support distribution, including the assignment of support and the distribution of child support in current and former TANF cases.

45 CFR 302.51 – prior to enactment of the 1996 welfare reform act (the Personal Responsibility and Work Opportunity Act, or “PRWORA”), child support distribution was largely governed by this Federal regulation.

TRAINING NOTES

1.6 OTHER DISTRIBUTION-RELATED RESOURCES

In addition to the above laws and regulations, there are a number of OCSE publications that address child support distribution. These publications include examples of distribution, and contain numerous questions and answers:

OCSE-AT-97-17: Instructions for the distribution of child support under section 457 of the Social Security Act

OCSE-AT-98-24: Instructions for the Distribution of Child Support Under Section 457(a)(6) of the Social Security Act, Definition of Assistance Paid to the Family for Child Support Purposes, and Additional Questions and Answers

OCSE-AT-05-07: Policy Questions and Responses to Miscellaneous Issues regarding Provisions of 45 CFR part 309, the Tribal Child Support Enforcement Program Final Rule (*note: see Q & A 49 – 51*)

TRAINING NOTES

1.7 SUMMARY AND PREVIEW OF NEXT MODULE

In this module, we have covered the following topics to provide a broad overview of Tribal Child Support Distribution:

- Basic Child Support Terms
- Child Support Distribution – Related Statutes and Regulations
- Other Federal Child Support Distribution Resources

In the next module, we will be discussing the concept of Assignment in more detail. We will talk about:

- What the Federal requirements are regarding assignments in Tribal TANF cases;
- What options the Tribes have regarding the retention of child support collections;
- What the Federal requirements were regarding State AFDC assignments; and
- What the current Federal requirements are regarding State TANF assignments.

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MODULE 2

Tribal TANF and the Assignment of Child Support

TRAINING NOTES

MODULE 2: TRIBAL TANF AND THE ASSIGNMENT OF CHILD SUPPORT

As we discussed in Module 1, child support assignment and distribution rules changed dramatically under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Included in the PRWORA legislation was the authorization for Tribal governments to begin operating their own TANF programs.

In this module, we are going to talk about how Tribal TANF and the assignment of child support in Tribal TANF cases can impact the distribution of child support. We will also talk briefly about how State TANF assignments operate so that you can look at other ways in which child support might be assigned in the cases that come into your caseload.

Throughout this module, we will work through some case studies to demonstrate the ways in which assignments in Tribal TANF and State TANF cases may operate.

TRAINING NOTES

2.1 TRIBAL TANF PROGRAMS AND CHILD SUPPORT ASSIGNMENTS

The Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) authorized the Federal government to fund Tribal TANF programs, and Tribal IV-D child support programs. The Federal regulations for Tribal TANF programs were published February 18, 2000, and contain a provision for the assignment of child support in Tribal TANF cases.

The final rule regarding the assignment of child support in Tribal TANF cases (45 CFR § 286.155), states the following:

§ 286.155

May a Tribe condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe?

(a) Tribes have the option to condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe consistent with paragraph (b) of this section.

(b) For Tribes choosing to condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe, the TFAP [*Tribal Family Assistance Plan*] must address the following –

(1) Procedures for ensuring that child support collections, if any, in excess of the amount of Tribal TANF assistance received by the family must be paid to the family; and,

(2) How any amounts generated under an assignment and retained by the Tribe will be used to further the Tribe's TANF program, consistent with §286.45(f) [*program income generated by the Tribal Family Assistance grant must be used for purposes of the TANF program and for allowable TANF services, activities and assistance*].

TRAINING NOTES

2.2 RETAINING CHILD SUPPORT COLLECTIONS IN TANF CASES

If a Tribe elects to condition Tribal TANF eligibility on the assignment of child support to the Tribe, the Tribe must decide if it will retain all or a portion of the child support collected while the family receives Tribal TANF.

Some States and Tribes pass-through to the family all or a portion of the child support the State/Tribe collects.

Retention and Pass-Through Options for the Tribes:

- Retain 100% of support collections, up to the amount of Tribal TANF paid to the family.
- Pass-through some amount or percentage of support collections to the family and retain the excess
- Pass-through 100% of collections to the family

TRAINING NOTES

2.3 CHILD SUPPORT IN EXCESS OF TRIBAL TANF ASSISTANCE

For those Tribes that elect to condition eligibility for Tribal TANF assistance on the assignment of support and retain all or a portion of child support collected, the Tribe must compare the amount of child support collected to the amount of Tribal TANF paid to the family. Any child support collections in excess of the Tribal TANF grant paid to the family must be disbursed to the family.

Example:

Family has monthly child support of \$400 owed to them each month.

Family applies for Tribal TANF grant and receives a grant of \$300 per month.

Family assigns child support to the Tribe for the period of Tribal TANF assistance. Tribe retains all child support collected up to the amount of Tribal TANF paid to the family.

Family receives Tribal TANF from January 2005 through June 2005. The Tribe collects \$2,000 in child support during this period.

Tribe may retain \$_____ in child support for Tribal TANF expended.

Tribe should pay to the family \$_____ for child support collected in excess of the Tribal TANF paid to the family.

TRAINING NOTES

2.4 ASSIGNMENTS IN STATE TANF CASES

The Federal requirements in the assignment of child support in State TANF cases are more complex; however it is helpful for Tribal child support program staff to understand how State TANF child support assignments operate for a number of reasons:

- **The family the Tribe is serving may have received State TANF assistance prior to receiving Tribal TANF assistance.** If the Tribe elects to condition eligibility for Tribal TANF on the assignment of child support, and the family has also assigned child support to a State or other jurisdiction for an earlier period, the Tribe eventually may be collecting child support owed to at least three different parties: the State or other jurisdiction, the Tribe, and the family. Thus, the Tribe would need to know what portion of the arrears owed in the case are owed to each of these parties.
- **The Tribe may wish to evaluate several different policy options with respect to assignments, including how assignments operated under the AFDC program, and how assignments operate for the States under the TANF program.** The only Federal requirements for Tribal TANF child support assignments are related to the total amount the Tribe may retain, and how the retained support must be used by the Tribe. There are no Federal requirements regarding for which time period the Tribe may require an assignment (prior to receiving Tribal TANF and/or during a Tribal TANF period).

We will now briefly cover how assignments operated in the AFDC program, and how assignments operate today under State TANF programs. We will also cover this information during the module on policy options available to the Tribes to reinforce that a number of alternatives are available to the Tribes when setting policy for their child support programs.

TRAINING NOTES

2.4.1 Child Support Assignments Under AFDC

Under the prior public assistance program, Aid to Families with Dependent Children (AFDC), a family's eligibility for AFDC was conditioned on assigning child support to the State. Here are some of the requirements of assignments under AFDC at that time:

- The family assigned all child support owed prior to the assistance period, and all support owed during the assistance period.
- The State was required to retain all assigned child support collected, up to the amount of AFDC paid to the family. A portion of these collections were shared with the Federal government (using the Federal medical assistance percentage in effect for the fiscal year when the support was distributed to the case).

Example:

Family applies for AFDC on January 1, 1993.

Child support order exists for \$500 per month. At the time the family applies for AFDC, arrears of \$7,500 are owed to the family.

Family receives AFDC grant of \$600 per month from 1/1/93 to 6/30/94.

It is now January 1, 1995. If the NCP has not paid any support from 1/1/93 to 1/1/95, what are the arrears, and how much is owed to the State, and how much to the family?

Arrears owed to State: \$_____

Arrears owed to Family: \$_____

TRAINING NOTES

2.4.2 Child Support Assignments Under TANF

When PRWORA was passed in 1996, it laid out a series of requirements for assignments for different time periods. The requirements for assignments under TANF changed to allow States time to implement the changes, as the changes necessitated system modifications and ultimately resulted in less retained support for the State and Federal governments.

- **Assignments Prior to October 1, 1997** – for assignments entered into prior to this date, the family assigned all rights to support accrued up to the time the family left assistance (just like AFDC assignment).

- **Assignments from October 1, 1997 through September 30, 2000** – for assignments entered into during this period, the family assigned all rights to support accrued *prior to the assistance period* until October 1, 2000, or the date the family leave assistance, whichever date is later. After this date, the State can only retain IRS tax refund offset collections applied towards these arrears. If collections are made via any other source, the money goes to the family. For support which accrued *during the assistance period*, the family assigns all rights to this support to the State. State can retain any support collected and applied against these arrears.

- **Assignments after September 30, 2000** – support that accrued *prior to the assistance period* can be retained by the State if this support is collected and applied to these arrears while the family continues to receive assistance (“Temporarily-Assigned”); after the family leaves assistance the State can only retain IRS tax refund offset collections applied towards these arrears (“Conditionally-Assigned”). For support that accrues *during the assistance period*, the family assigns all rights to this support to the State (“Permanently-Assigned”). State can retain any support collected and applied against these arrears.

TRAINING NOTES

Example of how current State TANF assignment works:

Family applies for TANF on January 1, 2001.

Child support order exists for \$300 per month. At the time the family applies for TANF, arrears of \$3,000 are owed to the family.

Family receives TANF grant of \$600 per month from 1/1/01 to 6/30/02.

It is now January 1, 2003. If the NCP has not paid any support from 1/1/01 to 1/1/03, how much is owed to the State, and how much to the family?

Permanently-Assigned Arrears owed to State: \$_____

Conditionally-Assigned Arrears: \$_____

Never-Assigned Arrears owed to Family: \$_____

TRAINING NOTES

2.5 SUMMARY AND PREVIEW OF NEXT MODULE

In this module, we have covered the following topics to provide a beginning foundation in the assignment of child support:

- Federal Tribal TANF Assignment Requirements
- The Retention of Child Support Collections in Tribal TANF Assignments
- Child Support Assignments in State TANF Cases

In the next module, we will cover the nuts and bolts of child support distribution in Tribal IV-D cases. We will talk about:

- What the Federal requirements are regarding the distribution of child support in Tribal IV-D cases;
- What the general distribution rules are in Tribal IV-D cases;
- What the specific distribution rules are in Tribal IV-D cases, depending on the case type; and
- How to systematically work through a Tribal IV-D case to determine how support should be distributed.

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MODULE 3

Tribal IV-D Child Support Distribution

TRAINING NOTES

MODULE 3: TRIBAL IV-D CHILD SUPPORT DISTRIBUTION

3.1 FEDERAL REQUIREMENTS FOR TRIBAL IV-D CHILD SUPPORT DISTRIBUTION

As we indicated in the introduction to this training, the Federal requirements for child support distribution in Tribal IV-D cases are less prescriptive than the Federal requirements for State IV-D child support distribution. However, depending on the choices made by the Tribe in designing its program, the distribution of child support could still result in a complex distribution hierarchy.

In this module, we will cover the Federal requirements for Tribal IV-D distribution. By providing you with a foundational knowledge in the basic Federal requirements, you will be in a better position to evaluate the distribution policy options available to the Tribes. These policy options will be discussed in greater detail later in this course.

What is important to remember when learning about Tribal IV-D distribution rules is that these rules only apply to the distribution of support within a given case. The Federal rules do not prescribe how child support should be distributed amongst multiple cases. How a Tribe distributes child support when a collection can be applied to multiple cases is left to the Tribe. We will discuss this in more detail when we cover policy options available to the Tribes.

TRAINING NOTES

3.2 GENERAL DISTRIBUTION RULES IN TRIBAL IV-D CASES

The Federal rules that specifically apply to child support distribution in Tribal IV-D cases are contained in the 45 CFR §309.115. The complete text of this rule is contained in Handout 1-2, which we covered in Module 1 of this course.

To better understand the Federal rules, we will first cover the general rules that apply to all Tribal IV-D cases:

General Rule #1: First, apply any child support collected to satisfy the current support obligation.

Exception: If the collection was made through an IRS Tax Refund Offset, apply the rule for IRS Offsets (See General Rule #4).

Example:

Current support obligation is \$250 per month. Arrears are \$1,000.

Today is January 1, 2006. If a check for \$500 was received from the NCP today, how would you apply the payment to the case?

TRAINING NOTES

- General Rule #2: Pay all excess support to the family, *unless***
- **The family is currently receiving, or formerly received Tribal TANF, *and* there is an assignment of support rights;**
- OR**
- **The Tribal IV-D agency is collecting on behalf of a family from another Tribe, State or other jurisdiction.**

As we saw in the previous example, any support collected in excess of current support owed should be applied to any arrears owed and disbursed to the family.

The two exceptions listed above deal with questions about ownership of the child support arrears. In the first exception, the Tribe would need to determine if any support was owed to the Tribe for current or past Tribal TANF assistance periods. If child support arrears are owed to the Tribe, the Tribe would distribute any amounts in excess of current support according to the Tribe's distribution policy.

The Tribe's distribution policy may vary, depending on whether the family currently receives Tribal TANF, or formerly received Tribal TANF. We will discuss this in more detail later in this module.

In the second exception, the Tribe would either distribute the support collected in excess of the current support obligation according to the other jurisdiction's distribution requirements, or send the entire collection to the other jurisdiction to do the distribution.

TRAINING NOTES

- General Rule #3: If there is no assignment of support rights to the Tribe and there is a request for collection from another jurisdiction, the Tribe must distribute the collection according to the other jurisdiction's rules, or send the collection to the other jurisdiction for distribution.**

Again, if you are collecting on behalf of another jurisdiction, you will most likely send the collection on to the other jurisdiction for distribution.

If the Tribe is not providing direct IV-D services to the family, this is usually the best alternative, since the other jurisdiction will have information on whether or not the family is receiving TANF assistance and/or if the children are in foster care.

However, if the Tribe is currently providing IV-D services to the family and the request for assistance from another jurisdiction is for a prior period of assigned support, the family's current support must be paid first.

In this case, it may be appropriate to contact the other jurisdiction to determine the appropriate distribution, and to send directly to the family current support, and any other support owed to the family (as prescribed by the distribution rules that apply to the requesting jurisdiction) before sending the remainder of the collection to the other jurisdiction.

TRAINING NOTES

Finally, in all cases, if the payment you receive was collected via an IRS refund intercept, you must always apply the payment to arrears only. This Federal requirement can be found at 45 CFR §309.115(e).

- General Rule #4: If the collection received comes from a Federal IRS income tax refund offset, the collection must be applied to satisfy arrears only.**

Next, we will work through a systematic way to determine the proper distribution of child support in Tribal IV-D cases.

TRAINING NOTES

3.3 THREE KEY QUESTIONS FOR TRIBAL DISTRIBUTION

Before determining the proper distribution of a child support payment in a Tribal IV-D case, there are three key questions that need to be considered:

- 1. Is there a request to collect from another jurisdiction?**
- 2. Is there an assignment to the Tribe?**
- 3. Is the case a Current Tribal TANF case?**

In this section, we will work through these three key questions to show you how the Tribal IV-D distribution rules would apply.

In all circumstances, you would also follow the four general Tribal distribution rules that we covered in the prior section of this module.

TRAINING NOTES

3.4 DISTRIBUTION WHEN THERE HAS BEEN A REQUEST FOR ASSISTANCE FROM ANOTHER JURISDICTION

First Key Question for Tribal IV-D Distribution: Is there a request to collect from another jurisdiction?

This is the first question you should consider when making a distribution determination for a case in your Tribal IV-D program.

? If the answer to the first key question is yes, what would you do next?

TRAINING NOTES

Second Key Question for Tribal IV-D Distribution: Is there an assignment to the Tribe?

Next, after confirming that the case does involve a request to collect for another jurisdiction we turn to the question of whether there is an assignment to the Tribe.

? If the answer to the second key question is no, what would you do next?

TRAINING NOTES

Back to the Second Key Question for Tribal IV-D Distribution: Is there an assignment to the Tribe?

? If the answer to the second key question is yes, what would you do next?

TRAINING NOTES

Third Key Question for Tribal IV-D Distribution: Is the case a Current Tribal TANF case?

After confirming that:

- (1) There is a request to collect from another jurisdiction; and
- (2) There is an assignment to the Tribe,

We turn next to the question of whether the case is a Current Tribal TANF case.

? If the answer to the third key question is yes, what would you do next?

TRAINING NOTES

Third Key Question for Tribal IV-D Distribution: Is the case a Current Tribal TANF case?

? If the answer to the third key question is no, what would you do next?

TRAINING NOTES

3.5 DISTRIBUTION WHEN THERE HAS BEEN NO REQUEST FOR ASSISTANCE FROM ANOTHER JURISDICTION

Back to the First Key Question for Tribal IV-D Distribution: Is there a request to collect from another jurisdiction?

? If the answer to the first key question is no, what would you do next?

TRAINING NOTES

Second Key Question for Tribal IV-D Distribution: Is there an assignment to the Tribe?

Next, after confirming that the case does not involve a request to collect for another jurisdiction we turn to the question of whether there is an assignment to the Tribe.

? If the answer to the second key question is yes, what would you do next?

TRAINING NOTES

Third Key Question for Tribal IV-D Distribution: Is the case a Current Tribal TANF case?

After confirming that:

- (1) There is no request to collect from another jurisdiction; and
- (2) There is an assignment to the Tribe,

We turn next to the question of whether the case is a Current Tribal TANF case.

? If the answer to the third key question is yes, what would you do next?

TRAINING NOTES

Third Key Question for Tribal IV-D Distribution: Is the case a Current Tribal TANF case?

? If the answer to the third key question is no, what would you do next?

TRAINING NOTES

Back to the Second Key Question for Tribal IV-D Distribution: Is there an assignment to the Tribe?

? If the answer to the second key question is no, what would you do next?

TRAINING NOTES

3.6 SUMMARY AND PREVIEW OF NEXT MODULE

In this module, we have covered the following topics to help you to understand the distribution requirements in Tribal IV-D cases:

- What the Federal requirements are regarding the distribution of child support in Tribal IV-D cases;
- What the general distribution rules are in Tribal IV-D cases;
- What the specific distribution rules are in Tribal IV-D cases, depending on the case type; and
- How to systematically work through a Tribal IV-D case to determine how support should be distributed.

After our lunch break, we will:

- Discuss what types of issues you should consider when coordinating Tribal child support distribution with Tribal and State TANF and foster care programs;
- Work through some Tribal Distribution case studies;
- Discuss Tribal child support assignment and distribution policy options available to the Tribes; and
- Run through a fun and fast-paced review of Tribal child support distribution rules and terminology.

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MODULE 4

Coordinating Tribal Child Support Distribution with Tribal TANF and Kinship Care Programs

TRAINING NOTES

MODULE 4: COORDINATING TRIBAL CHILD SUPPORT DISTRIBUTION WITH TRIBAL TANF AND KINSHIP CARE PROGRAMS

The Tribal child support and Tribal TANF/Kinship Care programs have important roles in helping Tribal families in times of need. The relationship between these programs, and also between the Tribal child support program and other programs in other jurisdictions are key to supporting these families.

There are a number of areas where the coordination of information between programs can impact how child support may be distributed, and how arrears balances may be maintained. In this module, we will talk about the types of information the programs should be sharing with one another, and the potential impacts of failing to share this information.

TRAINING NOTES

4.1 COORDINATION WITH TRIBAL TANF AND KINSHIP CARE PROGRAMS

First we will discuss the types of information that may be important to share between the Tribal child support and Tribal TANF and Kinship Care programs.

Team up with another participant and come up with a list of answers to the following questions:

1. What information might the Tribal TANF and Tribal Kinship Care programs maintain that is important to the accurate and timely distribution of child support?
2. What information does the Tribal Child Support program maintain that may be important to the administration of the Tribal TANF and Tribal Kinship Care programs?
3. What are some ways to improve communication between the programs?

TRAINING NOTES

4.2 COORDINATION WITH OTHER JURISDICTIONS

Now that we have discussed the types of information that may be important to share between the Tribal child support and Tribal TANF/Kinship Care programs, let's now move to information sharing between your Tribal child support program and other State or Tribal IV-D programs.

Team up again and come up with a list of answers to the following questions:

1. What information might another Tribal or State child support program maintain that is important to the accurate and timely distribution of child support?
2. What information might another Tribal or State child support program maintain that is important to keeping accurate arrearage balances?

TRAINING NOTES

4.3 SUMMARY AND PREVIEW OF NEXT MODULE

In this module, we have covered the following topics to understand how information sharing between the Tribal TANF program and other programs is important to the administration of the programs:

- Coordination between Tribal Child Support and Tribal TANF programs
- Coordination between Tribal Child Support and Tribal Kinship Care programs
- Coordination between your Tribe's Child Support program and other Tribal and State IV-D programs

In the next module, we will apply what we now know about Tribal TANF assignments and Tribal distribution to some case studies. We will:

- Work through a number of case studies depicting a variety of Tribal TANF assignment scenarios, distribution options, and case type changes; and
- Discuss the application of different policy options and the resulting potential advantages and disadvantages to the Tribe and to the Tribe's member families.

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MODULE 5

Tribal Child Support Distribution Case Studies

TRAINING NOTES

MODULE 5: TRIBAL CHILD SUPPORT DISTRIBUTION CASE STUDIES

5.1 INTRODUCTION

The actual application of the Tribal distribution rules can be complex, especially if your Tribe has a Tribal TANF program. At least a couple of factors can alter the complexity of distribution:

- The type of assignment the Tribe requires, if any; and
- The amount of any child support passed through to the family during the period the family receives Tribal TANF.

To help reinforce the knowledge you now have about Tribal child support assignments and distribution, we have designed a series of case studies for you to work through to test your understanding of the concepts, and to illustrate how different assignments may operate.

We will work through the first case study together to demonstrate how the studies are laid out.

TRAINING NOTES

5.2 CASE STUDY EXAMPLE

Family has child support order for \$100 per month. Family begins receiving Tribal TANF assistance in the amount of \$400 per month beginning January 1, 2005. Through December 2004, the NCP owed \$2,000 in child support.

The family is still receiving Tribal TANF. The Tribe requires the family to assign all rights to support owed to the family prior to and through the assistance period. The Tribe retains all support collected during Tribal TANF assistance periods up to the amount of Tribal TANF expended. The NCP makes payments as shown below. How would these payments be distributed and how would the arrears accrue?

Month	Case Type	Pmt Amt	Disbursed to Family		Retained by Tribe		URA	Accrued Arrears at EOM	
			Current Support	Arrears	Current Support	Arrears		Family	Tribe
12/04	NA							2,000	
1/05	CA						400		2,100
2/05	CA						800		
3/05	CA	700					500		
4/05	CA	700					200		
6/05	CA	700					0		

Key:

Case Types: CA (Current Assistance), FA (Former Assistance), NA (Never Assistance);

Other Abbreviations: Pmt Amt (Payment Amount), URA (Unreimbursed Assistance), EOM (End of Month).

TRAINING NOTES

5.3 CASE STUDY #1

On September 1, 2005, Tribe A receives from a State IV-D program a request for assistance in collecting child support. The family being served by the requesting State has a child support order for \$500 per month, and as of August 31, 2005, the NCP owes \$10,000. Tribe A has no other case for this family.

Tribe A begins collecting from the NCP beginning November 1, 2005. The NCP makes payments as shown below.

On March 1, 2006, the family applies for Tribal TANF in Tribe A's Tribal TANF program. The family begins receiving a Tribal TANF grant of \$600 per month beginning the same month. Tribe A notifies the State IV-D program that the family is now receiving IV-D services from the Tribe.

The family stops receiving Tribal TANF assistance effective June 1, 2006. Tribe A continues to provide IV-D services directly to the family.

The Tribe's TANF program requires the CP to assign any support accrued during the period the family receives Tribal TANF. The Tribe retains any collections received during the Tribal TANF period, up to the amount of Tribal TANF paid to the family.

NCP Payments:

November 2005	\$600	March 2006	\$0
December 2005	\$600	April 2006	\$800 (IRS tax refund offset)
January 2006	\$600	May 2006	\$600
February 2006	\$0	June 2006	\$600

Complete a Tribal Distribution Worksheet for the months October 2005 – June 2006.

TRAINING NOTES

5.4 CASE STUDY #2

On January 1, 2006, Tribe A receives an application for IV-D services from a Tribal member family. The family has a child support order for \$200 per month, and as of December 31, 2005, the NCP owes \$800. Tribe A has no other case for this family.

Tribe A begins collecting from the NCP beginning February 1, 2006. The NCP makes payments as shown below.

On March 1, 2006, the family applies for Tribal TANF in Tribe A's Tribal TANF program. The family begins receiving a Tribal TANF grant of \$400 per month beginning the same month.

The family stops receiving Tribal TANF assistance effective June 1, 2006. Tribe A continues to provide IV-D services directly to the family.

The Tribe's TANF program requires the CP to assign any support owed prior to and during the period the family receives Tribal TANF. During the Tribal TANF period, the Tribe first passes through to the family any support collected up to the amount of current support owed for the month, and then retains any collections applied to assigned arrears.

NCP Payments:

February 2006	\$250	June 2006	\$250
March 2006	\$250	July 2006	\$0
April 2006	\$250	August 2006	\$0
May 2006	\$250	Sept 2006	\$300

Complete a Tribal Distribution Worksheet for the months January – September 2006.

TRAINING NOTES

5.5 CASE STUDY #3

On April 1, 2006, Tribe A receives a referral from the Tribe’s TANF program for the collection of child support. The family receiving Tribal TANF has a child support order for \$300 per month, and as of March 31, 2006, the NCP owes \$1,200. The Tribal TANF grant amount is \$400 per month, and the family began receiving TANF in April 2006. Tribe A has no other case for this family.

Tribe A begins collecting from the NCP beginning May 1, 2006. The NCP makes payments as shown below. Effective October 1, 2006, the family terminates Tribal TANF, but continues to receive IV-D services from Tribe A.

On December 1, 2006, the family re-applies for Tribal TANF. The family again begins receiving a Tribal TANF grant of \$400 per month beginning the same month.

The Tribe’s TANF program requires the CP to assign any support owed prior to and during the period the family receives Tribal TANF. During the Tribal TANF period, the Tribe passes through to the family the first \$50 of any support collected up to the amount of current support owed for the month, and then retains any collections applied to assigned arrears.

NCP Payments:

May 2006	\$300	September 2006	\$400
June 2006	\$300	October 2006	\$300
July 2006	\$400	November 2006	\$0
August 2006	\$400	December 2006	\$0

Complete a Tribal Distribution Worksheet for the months April – December 2006.

TRAINING NOTES

5.6 ANALYSIS OF ASSIGNMENT AND DISTRIBUTION POLICY OPTIONS ILLUSTRATED IN CASE STUDIES

Now that you have worked through a number of different types of assignment and distribution scenarios, what kinds of advantages/disadvantages can we identify in selecting some of the policy options illustrated in the case studies?

Case Study #1:

- In this case study, the Tribe opted to require the family to assign all arrears that accrued *during the assistance period* only. What advantages and disadvantages do you see to the Tribe and/or the family in this scenario?

Case Study #2:

- In this case study, the Tribe required the family to assign all arrears that accrued *prior to and during the assistance period*. Also the Tribe passed through current support collected to the family during the assistance period. What advantages and disadvantages do you see to the Tribe and/or the family in this scenario?

Case Study #3:

- In this case study, the Tribe required the family to assign all arrears that accrued *prior to and during the assistance period*. Also the Tribe passed through the first \$50 collected each month to the family during the assistance period. What advantages and disadvantages do you see to the Tribe and/or the family in this scenario?

TRAINING NOTES

5.7 SUMMARY AND PREVIEW OF NEXT MODULE

In this module, we have tested and reinforced our knowledge of Tribal TANF assignments and distribution through the use of a number of tools:

- Case Study problems with associated worksheets;
- Group discussion about how to apply the Tribal distribution rules to particular case scenarios; and
- Group discussion about the application of different policy options and the resulting potential advantages and disadvantages to the Tribe and to the Tribe's member families.

In the next module, we will discuss various policy options available to the Tribes in the following areas:

- Tribal TANF assignments; and
- Pass through and retention of child support collections during Tribal TANF periods.

We will also wrap up our Tribal distribution training with a fun, short quiz to test your knowledge of Tribal child support distribution rules and distribution-related terminology.

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MODULE 6

Tribal Child Support Distribution Policy Options

TRAINING NOTES

MODULE 6: TRIBAL CHILD SUPPORT DISTRIBUTION POLICY OPTIONS

The Tribal child support program has the advantage of selecting many different policy options with respect to child support assignments and distribution. These policy options can help to provide a Tribe with the means to shape its child support program to meet the needs and culture of the Tribe.

Throughout this training, we have talked about a number of policy options that are available to Tribal TANF and child support programs. In this module, we will discuss many of these options so that you may evaluate which of these options may be a best fit for your Tribal programs.

TRAINING NOTES

6.1 TRIBAL TANF CHILD SUPPORT ASSIGNMENT OPTIONS

First we will discuss the types of Tribal TANF child support assignments the Tribe might use if the Tribe is operating a Tribal TANF program. What are some of the advantages and disadvantages of the options listed below?

1. Does the Tribe want to require an assignment of child support at all?

2. If the Tribe will require an assignment of child support as a condition to receiving Tribal TANF, will the Tribe retain any child support collections?

3. For what periods will the family assign their rights to child support?
 - a) Assign only support which accrued prior to the Tribal TANF period.
 - b) Assign only support which accrued during the Tribal TANF period.
 - c) Assign support which accrued both prior to and during the Tribal TANF period.
 - d) Assignment similar to one of the above, but some or all of the assignment reverts back to the family after the Tribal TANF period has ended.

TRAINING NOTES

6.2 PASS THROUGH AND RETENTION OF CHILD SUPPORT DURING TRIBAL TANF PERIODS

If the Tribe does elect to condition the receipt of Tribal TANF on the assignment of child support, the Tribe also has another options with respect to how much of the child support collected during the Tribal TANF period may be passed through to the family. What are some of the advantages and disadvantages of the options listed below?

1. Pass through to the family all child support collected during the Tribal TANF period.
2. Retain all child support collected during the Tribal TANF period, up to the amount of Tribal TANF paid to the family.
3. Pass through collections of a sum certain amount, up to the amount of current support owed each month (as we did in Case Study #3 in the last module).
4. Pass through all current support collected during the Tribal TANF period.
5. Pass through all collections applied to any arrears still belonging to the family during the Tribal TANF period (for example, if the Tribe has only required the family to assign during-assistance arrears).
6. Pass through all collections applied to current support and a portion of collections applied to assigned arrears during the Tribal TANF period.

TRAINING NOTES

6.3 SUMMARY

In this module, we have covered the following topics to understand the distribution-related policy options available to the Tribes in the administration the Tribal IV-D program:

- Options available to the Tribes with respect to the assignment of child support in Tribal TANF cases; and
- Options available to the Tribes in the pass through and/or retention of child support collections during Tribal TANF periods.

Now, we will test our knowledge of Tribal child support distribution rules and terminology by playing the Tribal Distribution LINGO game.