

MANAGEMENT AND OPERATIONS

PROGRAM IMPLEMENTATION

As you come to the end of the start-up phase, you should be prepared for the program's first day of business and opening your door to customers. Make sure you and your staff members have read the program policies and procedures, and know your service area and jurisdiction.

Your first customer might be a new custodial mom requesting paternity establishment services, a custodial dad who wants to transfer his case from the state to the tribal program, a noncustodial parent who requests an order review and adjustment, a referral from your Indian Child Welfare (ICW) department or a referral from another child support program. Whatever the scenario, take it case-by-case and take your time as you process the case information and applications or referrals for services.

TRANSFERS OF CHILD SUPPORT CASES

During the start-up phase, you probably had discussions with your state child support program about how to identify child support cases that might be eligible to transfer to the tribal child support program and what policies and procedures would be necessary to accomplish transfers.

It is important that both the state and tribal child support programs understand the differences between transferring the child support case and transferring the court case. Transfers of child support cases are usually relatively easy, but transfers of jurisdiction can be very complicated.

We recommend that you examine all aspects of transferring jurisdiction. You can reach out to other tribal child support directors in your state for information on their policies and procedures. You can also find more information in the [Tribal and State Jurisdiction to Establish and Enforce Child Support](#) available on the OCSE website. You should also refer to [PIQT-05-01](#), Transfer of Cases to Tribal IV-D Agencies and Case Closure Criteria, for a definition of case transfer and referral.

CASE MANAGEMENT

Although policies and procedures might vary from program to program, all programs follow some basics. This section will provide some general information to help you become familiar with the case management continuum.

CASE INITIATION

Tribal child support programs under Title IV-D must accept all applications for child support services, promptly open a child support case, and provide those services required by law and regulation ([45 CFR 309.65\(a\)\(2\)](#)). Further, a tribal child support program must extend the full range of services available under its child support plan to respond to all requests from, and cooperate with, state and other tribal child support programs as noted in the previous section ([45 CFR 309.120\(a\)](#)).

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General case initiation procedures upon receipt of an Application for Services or a referral from another agency (TANF, Child Support, Child Welfare or Indian Child Welfare) are listed below:

- Open a child support case by entering the case data into your automated system or into your office automation files (Excel) and build a physical file.
- Determine what action is needed on the case (i.e., paternity establishment, order establishment, locate, enforcement, etc.) and assign the case to the appropriate caseworker.
- Follow through with the process to obtain an order, register a foreign order, complete a DNA collection process, locate the parties and/or their assets, etc.

ESTABLISHMENT

The federal regulations in 45 CFR 309.90(a)(2) do not specify how tribal child support programs establish orders for child support, only that they have tribal laws, code or regulations to do so. Procedures to establish a child support order will vary based on the legal guidelines established within your tribal laws. Some tribes establish orders via an administrative process while others use a judicial process. Some programs attempt to obtain an agreed order (stipulation) first, and when that is unsuccessful, they move to legal proceedings. Other programs begin with legal proceedings.

To ensure due process rights of all individuals are protected, you must have provisions that require you to notify all parties to the case of any legal proceedings. Your tribal laws will include the provisions necessary to schedule hearings, draft court documents and process Petitions and Motions for action.

All child support orders will include basic language as set forth by the tribal laws. In addition, orders can include basic child support provisions such as the amount of an order based on the child support guidelines established by the tribe (45 CFR 309.105), the frequency of the order, and the duration of the order. Other provisions might include health insurance and childcare. Paternity establishment orders might include a requirement for genetic testing.

MEDICAL SUPPORT

Tribal child support regulations do not require a tribe to establish medical support orders; however, some programs choose to do so when it serves the best interest of the child. State child support programs, on the other hand, are required to establish medical support orders. The difference in the federal requirements of tribes and states sometimes causes confusion when a state refers a case to a tribal child support program requesting assistance in establishing medical support.

- [Indian Health Services](#)

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Members of federally recognized tribes are eligible for services through Indian Health Services. This eligibility, in most cases, is considered medical support for child support purposes. Please visit the [IHS website](#)⁸.

“The Indian Health Service (IHS), an agency within the Department of Health and Human Services, is responsible for providing federal health services to American Indians and Alaska Natives. The provision of health services to members of federally recognized tribes grew out of the special government-to-government relationship between the federal government and Indian tribes. This relationship, established in 1787, is based on Article I, Section 8 of the Constitution, and has been given form and substance by numerous treaties, laws, Supreme Court decisions, and Executive Orders. The IHS is the principal federal health care provider and health advocate for Indian people and its goal is to raise their health status to the highest possible level. The IHS provides a comprehensive health service delivery system for American Indians and Alaska Natives who are members of 566 federally recognized tribes across the U.S.”

- [Affordable Care Act](#)

The Affordable Care Act was signed on March 23, 2010. More information about the Affordable Care Act, including enrollment links, can be found on the [HHS website](#). Tribal child support programs that want to include medical support provisions in child support orders, can direct people to the [HHS Market Place](#) for more information.

ENFORCEMENT

The most effective collection method is an Income Withholding for Support form sent to the noncustodial parent’s employer. Child support programs must use the Office of Management and Budget’s standard federal form [OMB 0970-0154](#) as required in [45 CFR 309.110\(l\)](#). When the noncustodial parent is unemployed and becomes delinquent on child support payments, other enforcement tools might be available.

MONITORING

Monitoring the case involves checking it regularly to ensure payments are being made; sending out notices at the appropriate times (e.g., annual statement of accounts and notices for review) and keeping employment and contact information up-to-date.

MAINTENANCE OF CASE RECORDS

According to 45 CFR 309.85, tribal child support programs (including its contractors) must keep careful records of case activity. The case record established at intake must be supplemented with all

⁸ OCSE proposed changes to the current state requirement to open a child support case for Medicaid recipients involving a member of a federally recognized tribe in the Notice of Proposed Rulemaking, Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs; Proposed Rule. (FR, Vol. 79), published November 17, 2014.

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information and documents pertaining to the case, as well as all relevant facts, dates, actions taken, contacts made, and results that occur.

SAFEGUARDING INFORMATION

As described in 45 CFR 309.80, tribal child support programs must have procedures to safeguard child support information. These procedures should include steps necessary to restrict the use and disclosure of information about individuals and families receiving services.

FINANCIAL CASE MANAGEMENT

Financial case management includes processing child support monies collected, applying the payment to the individual case accounts, (allocating across cases), and disbursing child support checks to the custodial party or requesting agency pursuant to [45 CFR 309.115](#). Under federal regulations, tribal child support programs have the option to follow a “family first” distribution hierarchy that always pays current support to the family first. The exception to this option is when the custodial party is currently receiving or has received TANF and there is an assignment of rights. When an assignment of rights exists, child support can be distributed to the TANF program not to exceed the amount of TANF paid out in a month. Another exception to the family first option is collections received from a federal income tax refund offset.

CASE CLOSURE

Child support cases can remain open for a very long time, from the birth of a child through the child’s emancipation, or longer when there are arrears owed. The tribal regulations do not include case closure criteria; however, many tribal programs have adopted the same closure criteria required of states. Cases often close for a variety of reasons, including but not limited to the:

- request from the custodial party;
- emancipation of the child;
- death of a child; or
- death of a noncustodial parent.

INTERGOVERNMENTAL CASES

An intergovernmental child support case includes parties residing in different jurisdictions. Working intergovernmental cases can be challenging, especially in situations where it’s necessary for a state program and tribal program to work a case for the same parties. Similar difficulty exists when two or more states, or two or more tribes, are working a case for the same parties.

Tribal child support agencies and courts are required to follow the **Full Faith and Credit for Child Support Orders Act** (FFCCSOA) ([28 U.S.C. 1738B](#)). FFCCSOA requires the appropriate authorities of each state and Indian Country to honor child support orders previously issued by a court or administrative agency in another state or Indian Country provided that the order was issued consistently with FFCCSOA. [[45 CFR 309.120\(b\)](#)]. This avoids problems with duplicate or competing orders for the same parties. For more in-depth information, please read [AT-02-03](#).

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States are required to adopt the provisions of the [Uniform Interstate Family Support Act of 2008 \(UIFSA\)](#) into state law. **Tribes, however are not required to enact UIFSA.** UIFSA allows for one order at a time involving the same obligor and child. In other words, once a state has issued an order, another state may not issue a separate new order. It must enforce the existing order. Additionally, only a state with appropriate jurisdiction may modify the order. When a state issues an order, it has “continuing exclusive jurisdiction” to modify the order if there is a party or child residing in the state. In some circumstances, a state no longer has continuing exclusive jurisdiction. This usually occurs when all of the parties to the case have moved out of the jurisdiction.

Because UIFSA defines “state” to include Indian Country, a tribal child support program can send an Income Withholding for Support form directly to an employer in any state without having to register its order with a state court. However, tribes are not required to enact UIFSA and FFCSOA does not include direct income withholding. Therefore, a state cannot send an Income Withholding for Support form directly to a tribal employer without entering into an agreement with the tribe for direct income withholding ([PIQT-04-01 - Direct Income Withholding when Employers are Subject to a Tribe's Jurisdiction](#)). The state must register their order with the tribal court. The same holds true for a tribal child support program needing to send an Income Withholding for Support form to another tribe. They must also register their order with that tribe’s court.

Each tribal and state child support program has its own laws, policies and procedures on processing intergovernmental requests for child support services. Contacting the tribal child support program or the Central Registry of the state child support program before sending a request for assistance can be most helpful. The other jurisdiction’s staff can help you determine if they have jurisdiction to work your case and will let you know of any required paperwork. For specific state or tribal contact and program information, refer to the OCSE [Intergovernmental Reference Guide](#).

REFERRALS

Sometimes a child support program might need help from another program. For example:

- to establish paternity and/or an order for support when a custodial party applies for and/or is receiving public assistance; or
- to redirect collections, for reimbursement, from an existing order to the jurisdiction providing public assistance.

Referrals for establishment or redirection can be done in varying ways but the most common is by using the **Intergovernmental Child Support Enforcement Transmittal** forms (commonly referred to as UIFSA forms by the state child support agencies). Tribes are not required to use these forms, but many do.

REGISTRATION OF A FOREIGN ORDER

When one jurisdiction already has an order from its court, but needs assistance from another jurisdiction to enforce that order, it is usually necessary to request the registration of the order in the other jurisdiction’s court. Sometimes the state child support program will have an order in which:

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- the custodial party is a non-Indian or non-member of the tribe, and the noncustodial parent is a non-Indian or non-member of the tribe who resides off the reservation but works for the tribe or tribal enterprise; or,
- the custodial party is a non-Indian or non-member of the tribe and the noncustodial parent is a member of the tribe who works for or receives per capita⁹ from the tribe.

In such a circumstance, the state program can send a request to the tribal program requesting the registration and enforcement of their order. They should verify with the tribal program what documents are required to initiate the action. Most often, the tribal program will require a certified copy of the order along with a certified statement of arrears so they can register it for enforcement.

Upon receipt of such a request from a state, the tribal program will open a tribal child support case and file a Motion/Order to Register a Foreign Order in the Tribal Court. If the Tribal Court accepts the motion to register the order, they will do so. In many instances, the Tribal Court will sign the Motions/Orders without a hearing if neither of the parties objected after they received notification. Please refer to FFCCSOA for additional information on what constitutes a valid child support order (i.e., orders entered with appropriate subject matter and personal jurisdiction).

After the Tribal Court registers a foreign order, the tribal child support program will generate an Income Withholding for Support and submit it to the appropriate tribal payroll department. The tribal payroll department withholds the income and submits the money to the tribal child support program for disbursement or they may submit it directly to the State Disbursement Unit (SDU) for disbursement.

INTERGOVERNMENTAL FORMS

OCSE developed standardized Intergovernmental Forms for state child support programs to use in UIFSA cases. Although tribal child support programs are not required to use these forms, they are easily recognizable by the states and territories and might get quicker responses. All the forms and instructions are on OCSE's website (see [AT-17-01](#)), but these are the most commonly used forms:

- [Affidavit in Support of Establishing Paternity](#)
- [Child Support Enforcement Transmittal \(CSET\) #1 – Initial Request](#)
- [Child Support Enforcement Transmittal \(CSET\) #1 – Acknowledgement](#)
- [Child Support Enforcement Transmittal \(CSET\) #2 – Subsequent Actions](#)
- [Child Support Enforcement Transmittal \(CSET\) #3 – Request for Assistance/Discovery](#)
- [Locate Data Sheet](#)
- [Registration Statement](#)

To avoid delays, the initiating jurisdiction should always contact the responding jurisdiction and ask what documents they require. The IRG ([Intergovernmental Reference Guide](#)) is also a good resource to find this information.

⁹ Not all tribes distribute per capita money to their members; not all per capita money is considered 'income'; and a county/circuit court does not have the authority to order a tribe to withhold per capita money from a tribal member. The State IV-D agency must obtain NONCUSTODIAL PARTY's income information from the NONCUSTODIAL PARTY.

INITIATING/RESPONDING JURISDICTIONS

The success of intergovernmental case processing depends on multiple child support programs (the initiating and the responding jurisdictions) coordinating activities to locate a noncustodial parent or custodial party; establish paternity; establish and enforce orders; and collect, distribute and disburse child support payments. The words “initiating” and “responding” are the technical terms used in discussing intergovernmental cases, and we recommend that you understand them.

INITIATING JURISDICTION

The state or tribal child support program that sends a request for a particular action or information to another state or tribal child support program is the Initiating Jurisdiction. The types of requests an initiating jurisdiction may want to send can vary from requests to take the full scope of collection actions against a noncustodial parent and send any collections back to the initiating jurisdiction to a limited request for a particular service.

Limited service requests could include asking the other jurisdiction to provide locate information about the obligor’s whereabouts, income or assets. Many agencies refer to the type of request as a “locate only” or a “Quick Locate” request. A limited services request may be simply asking the other jurisdiction to take a limited action like placing a property lien on a particular parcel, or seizing a bank account that the initiating jurisdiction does not have authority to attach.

In this example, the initiating jurisdiction still retains authority on the matter and has a strong ongoing interest in the case. The initiating jurisdiction is simply asking another jurisdiction to perform particular tasks that it does not have direct authority to accomplish.

Example: A custodial party applies for child support services with your tribal child support program in order to collect child support from the noncustodial parent who resides on the same reservation. The tribal child support program obtains a child support court order against the noncustodial parent in Tribal Court, but the noncustodial parent subsequently moves off the reservation to a nearby state. The tribal child support program (initiating jurisdiction) can refer the case to the state child support program where the noncustodial parent now resides for enforcement of the support order. The state child support program (responding jurisdiction) will register and enforce the tribal order. When a noncustodial parent sends child support payments to the State Disbursement Unit (SDU), the state will send it to the tribal child support program (initiating jurisdiction) for distribution and disbursement.

Figure 22: Example case process

RESPONDING JURISDICTION

The responding jurisdiction is the tribal or state child support program that responds to a request from the the initiating jurisdiction and is often the one who has jurisdiction or authority over the noncustodial parent, his/her assets or income, or the underlying child support order. The initiating jurisdiction might ask the responding jurisdiction to take certain actions on the initiating jurisdiction's case as described in their transmittal forms.

Example: A custodial party might live in a state and apply to the state for child support services. The noncustodial parent might work at a tribal enterprise or live on your reservation lands. The state may ask you to enforce its child support order against the noncustodial parent's wages or assets under the tribe's control and remit those funds to its State Disbursement Unit.

Intergovernmental case processing is a complex subject. You can find more in-depth intergovernmental case information in the following resources:

- [OCSE's Child Support Handbook](#)
- [IM-07-03 - Tribal and State Jurisdiction to Establish and Enforce Child Support](#)

Your assigned Regional Program Specialist may also be able to assist you with case specific questions in this area. Your tribal child support colleagues should also be able to help, since they have likely worked through similar cases in the past.

PROGRAM OPERATIONS

This section covers a variety of topics and resources that you might find useful as a new tribal child support director.

LEADERSHIP

Effective leadership is a key component to maintaining a successful tribal child support program. As the child support director, your staff members will look to you for guidance in day-to-day program operations. An effective leader motivates others to perform beyond expectations and accomplish extraordinary goals for the good of the entire organization. Leading your staff is different from simply managing your staff. The primary function of transformational leaders is to produce meaningful change. In contrast, the primary function of a manager is to create orderly results and keep the organization working efficiently. One is not better than the other – simply different. Although both are critical in today's organizations, many organizations are over-managed and under-led. Credible leaders display these top characteristics:

- demanding, but able to be satisfied;
- accessible, but not too familiar;
- decisive, but judicious;
- focused, but flexible;
- active, without causing commotion; and
- tough, but humane.

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Effective time management skills are also crucial skills for effective leadership. You can dramatically increase productivity by establishing structured routines for business operations and case management that you and your staff can follow.

Teamwork is another crucial component to a successful program. An effective team requires the following three components:

- The group must be a “real team” operating within a set of boundaries, be interdependent for a shared purpose and have some sense of stability over time.
- The group must have a “compelling direction” for which to aspire and motivate.
- The group must have “enabling structure” including task design, a good team composition and basic conduct norms. Supportive context and expert nurturing is also helpful.

STRATEGIC PLANNING

Strategic planning is important to not only measure where you are in comparison to where you started, but it can give you direction going forward. The strategic planning process involves asking and answering these questions:

- What is the vision, mission, and purpose for the program?
- Do you want or need to revise your program vision and goals to keep moving forward?
- What steps do you need to take to make the desired changes within your program? How can you measure or track whether the program is moving in the desired direction?

Strategic planning is different from other types of planning. First, it is a formal, structured process and, ideally, one that involves the entire organization. It provides an overall direction for the entire child support program as a whole, incorporating consistent goals and plans of the program’s component parts. Ordinarily, it has a long view, often two to five years, as well as shorter-term benchmarks to measure progress toward achieving long-term goals. Most importantly, it is a living plan, continuously monitored and revisited.

Traditionally, strategic plans include these elements:

- Vision;
- Mission; and
- measureable Goals and Objectives.

The ability to develop and implement a strategic plans is an important element to keeping your program growing and nurturing its success.

RISK MANAGEMENT

Regulation 45 CFR 309.75 requires the child support program to have policies and procedures in place to ensure program integrity. Risk Management includes reviewing your Plan documentation to understand the policies and procedures that are in your application. The policies and procedures regarding all federal funds and amounts collected by the tribal child support program must ensure protection from theft or loss. They must also ensure the protection of confidential information during day-to-day

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operations. Risk management should include assurances that the policies and procedures (internal controls) will change as needed and that new staff members will follow them.

Policies and procedures provide guidance and directives that help protect your staff, customers and the public trust. You should consider the following questions when you review your risk management policies and procedures. They can help you identify challenging areas but are not all-inclusive.

- Does the program have adequate and appropriate staff to meet customer needs?
- Is there appropriate separation of duties between processes to provide reasonable assurance that financial data is accurate with no opportunity for fraudulent activities?
- Does your program have and use documentation standards?
- Are procedures adequate to ensure the integrity of your program data so quarterly and annual reports are accurate?
- Do safeguards exist to ensure federal dollars are spent appropriately for program purposes and do they meet the audit standards outlined in 45 CFR 75 Subpart F as required under 45 CFR 309.80.
- Is there a good understanding of federal fiscal requirements?
- Is there good communication between program staff and fiscal (accounting) staff?
- Are procedures adequate to ensure the safeguarding of receipts, deposits, allocation and distribution of child support collections?
- Do you use sound privacy and security safeguards?

GENERAL RISK MANAGEMENT AREAS TO CONSIDER

You should consider a variety of risk management areas as you develop or revise policy and procedures. We recommend that you consider the following questions:

- What policies are in place to avoid conflicts of interest when one or more parties to a case are a relative to a staff member in your program?
- How will you protect program efficiency when there is a change in key staff members?
- How will you complete an inventory and return of keys, keycards, name badges, cell phones, laptops or other program equipment when a staff member leaves program employment?
- Are your procedures adequate for resetting keypad access, safe combinations and terminating access to internal emails, databases and internal phone lists after a staff member leaves the program?
- How will you complete regular inventory of program equipment?
- How will you resume business in a reasonable manner in the event of unplanned emergencies?
- What protocols are in place for how and when you will implement your Continuity of Operations Plan (COOP), or at least your plans to resume general business practices?

Maintain Organizational Structure and Distribution of Responsibilities Documents. A current description of the structure or organizational chart for both the child support program and the tribal agency or department overseeing the child support program is an important part of your Plan and required under 45 CFR 309.75.

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Maintain Insurance or Bond for Loss Prevention. You must provide evidence of how the program will protect federal funds awarded and child support collected against loss. This may be demonstrated by Insurance policies or bond for every person who receives, disburses, handles or has access to or control over funds collected under the tribal child support program and is a requirement under 45 CFR 309.75.

Maintain Records. You must maintain records to track spending, in-kind donation documentation and anything that may be necessary in an audit.

TRIBAL EMERGENCY PLANNING

PLANNING FOR EMERGENCIES AND DISASTERS

Following a disaster, tribal child support programs may face challenges meeting their core mission to ensure that both parents financially support their children. Challenges encountered during, or after a disaster might include the damage or destruction of your child support facilities, the loss of important child support orders and other important records, and the displacement of child support staff. Custodial parties and their children may be temporarily or permanently displaced and have an increased need for supportive services. Custodial parties or caregivers might be separated from the children in their care and need additional services. These children may require reunification support. Additionally, noncustodial parents may also be displaced or suffer economic losses or hardships (e.g., loss of employment due to the disaster) that impair their ability to make child support payments.

The services that child support programs support on a daily basis are critical in supporting children's recovery and ensuring their continued access to health care and social services. Tribal child support services program leaders planning for disasters should consider:

- support for their own staff;
- program continuity of operations; and
- disaster-specific needs of custodial and noncustodial parents in support of their children.

EMERGENCY PREPAREDNESS RESOURCES

A top priority of HHS is ensuring the preparation and protection of all Americans, especially those with young children, for disasters. Because of this, HHS has developed and compiled a rich set of resources that will help families, early childhood providers, and policy makers prepare, respond to, and recover from all types of disasters. These resources are available on the [OCSE Early Childhood Disaster – Related Resources](#) webpage.

Each tribe has an emergency manager. Check with your Tribal Administration office to determine your emergency manager and have a conversation with them about how you can work together. Additional information can be found on the following websites:

- Northwest Tribal Emergency Management Council: <http://www.nwtmc.org/>
- National Tribal Emergency Management Council: <http://www.ntemc.org/>

Other organizations with specific information on planning for children include:

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- Save the Children: <http://www.savethechildren.net/>
- American Red Cross: <http://www.redcross.org>
- Children Disaster Services: <http://www.brethren.org/cds/>

Additional resources that you may find useful include:

Disaster Assistance

Apply for disaster assistance. View the Disaster Survivor Application Checklist and locate more than 70 forms of assistance from 17 federal agencies. <http://www.disasterassistance.gov/>

Continuity of Operations Planning

- **FEMA IS-546.A: Continuity of Operations Awareness Course**: This course introduces students to the concept of continuity planning. The course provides a brief overview of continuity, including its definition, the legal basis for continuity planning, the Continuity Program Management Cycle, and essential elements of a viable continuity program.
- **Disaster Recovery Planning** The [National Disaster Recovery Framework](#) is a guide that enables effective recovery support to disaster-impacted states, tribes, territorial and local jurisdictions. It provides a flexible structure that enables disaster recovery managers to operate in a unified and collaborative manner. It also focuses on how best to restore, redevelop and revitalize the health, social, economic, natural and environmental fabric of the community and build a more resilient Nation.

Behavioral Health

[The Disaster Distress Helpline \(DDH\)](#) is the nation's first hotline dedicated to providing disaster crisis counseling. The toll-free Helpline operates 24 hours-a-day, seven days a week. This free, confidential and multilingual, crisis support service is available via telephone (1-800-985-5990) and SMS (Text 'TalkWithUs' to 66746) to U.S. residents who are experiencing psychological distress because of a natural or man-made disaster, incidents of mass violence or any other disasters. Callers are connected to trained and caring professionals from the closest crisis-counseling center in the network. The helpline staff provides confidential counseling, referrals and other needed support services.

Domestic Violence

Free and confidential help is available for victims of domestic violence through the National Domestic Violence Hotline 24 hours a day. If survivors need help or just want someone to talk to, please call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or TTY 1-800-787-3224. Advocates can help domestic violence survivors develop a plan for emergencies, connect them to community resources and discuss their options.

Children and Youth Task Forces

HHS/ACF has developed recommendations to states, Tribes, territories, and local communities interested in launching children and youth task forces. The guidelines are for emergency management,

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human services, and public health professionals to support a coordinated, integrated, and effective approach to children’s needs in emergency preparedness, response, and recovery.

- [Children & Youth Task Forces in Disaster: Guidelines for Development](#)
- [New York Children’s Issues Task Force Lessons Learned](#). This report details lessons learned by the New York Children's Issues Task Force, which led by the NY State Office of Children and Family Services and the Administration for Children and Families Region 2 Office in the aftermath of Superstorm Sandy. The issues and recommendations from the report can provide helpful guidance to new Children and Youth Task Forces to address the needs of children, youth, and families in future disasters, both in New York and in other states nationwide.

Early Childhood Disaster-Related Resources

This comprehensive set of resources contains interactive activities to plan and prepare for disasters, developmentally appropriate books and games to help children cope after disasters, and templates and guides for policy makers to use in developing, enhancing, or improving their plans. Click [here](#) for more information.

Unaccompanied Minors and Family Reunification

- **Ready for Anything: A Disaster Planning Manual for Runaway and Homeless Youth Programs** Large-scale disasters, from wildfires to floods to hurricanes, affect thousands of people across the country each year. Disasters can also occur on a smaller scale, caused by everyday events such as power outages, kitchen fires, or burst water mains. While most disasters are impossible to predict, you can plan for them and reduce disruptions in your services to youth and families. This manual teaches the “Ps and Rs” (prevention and preparedness, response, and recovery) of disaster planning. It includes worksheets and checklists to guide you step-by-step through the process of creating an emergency-preparedness plan for your youth-serving agency.
- **Post-Disaster Reunification of Children: A Nationwide Approach**. This [publication](#) illustrates the significance of whole community collaboration and inclusive emergency planning. It provides a comprehensive overview of the coordination processes necessary to reunify children separated from their parents or legal guardians in the event of a large-scale disaster. It also reflects how the whole community—to include nongovernmental organizations such as Voluntary Organizations Active in Disaster, faith-based and community organizations, disability and pediatric organizations, federal and private sector partners, and civic action committees, can work together to achieve one wide ranging mission

Individual Planning

The [Red Cross](#) has mobile apps available for download off their website at:

<http://www.redcross.org/prepare/mobile-apps>. They have mobile apps available for a variety of emergencies including shelters, first aid, natural disasters, and pets. [Ready Indian Country](#) has numerous information, tips and tools to help you in emergency planning.

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Office/Facility Planning

The American Red Cross has a website dedicated to help your office prepare - <http://www.readyrating.org/>. The website has a questionnaire to help determine what policies, procedures, and tools you have in place, and what else you need to do to have a good facility plan.

Ready.gov also has a website that offers tips on creating an emergency plan and a continuity of operations plan - <http://www.ready.gov/business>.

CHILD SUPPORT STAFF SUPPORT

Child support programs should remember that their own staff might need support following an emergency or disaster. Staff members may have suffered their own losses due to the disaster (e.g., family and friends, housing) and require behavioral health and emotional support.

CONTINUITY OF OPERATIONS PLANNING

Disasters may cause extended utility interruptions, destroy infrastructure, and cause structural damages that prevent child support programs from operating from their facilities. Additionally, following a disaster, staff may experience transportation challenges (e.g., damage to personal vehicles) that prevent them from returning to their regular work sites. Keeping up-to-date contact lists, developing communications plans to keep staff informed post-disaster, pre-identifying alternate work sites, and developing telework procedures can enable child support programs to resume operations after a disaster.

Developing redundancy in program record keeping is essential to ensure you have back-up records if paper files are damaged or destroyed during a flood, fire, or other disaster. The loss of child support orders and other important records can have a negative impact on the recovery of families that rely on the child support program's support. Digitizing or scanning records can provide useful backups.

CUSTODIAL AND NONCUSTODIAL PARENT SUPPORT

Tribal program's expertise in establishing paternity and enforcing child support orders can be leveraged to support children's recovery following a disaster. This is specifically helpful when children become separated from parents or guardians during a disaster. In cases where a guardian cannot immediately be located, the program's experience in locating family members, establishing paternity, and identifying the custodial party may assist in family reunification. A disaster might also cause a noncustodial parent to become unemployed. In such cases, the programs may need to provide assistance in modifying child support orders to encourage compliance.

HOW ACF CAN HELP

The Administration for Children and Families provides subject matter expertise and technical assistance upon request for tribal emergency preparedness planning for ACF-supported human services programs including child support programs. You can contact your ACF Regional Emergency Management Specialist (REMS) for subject matter expertise and technical assistance related to emergency planning

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following a disaster. You can request routing to your REMS, if you do not know him or her yet, by emailing ohsepr@acf.hhs.gov.

FAMILY SERVICES AND PROGRAM COLLABORATION

It is often necessary and important for child support agencies to communicate and collaborate with other family services programs, both tribal and state. The child support community recognizes the importance of incorporating holistic family services not only to the custodial parent but also to the noncustodial parent and the children.

OCSE provided clarification in [PIQ-12-02](#): Partnering with other programs, including outreach, referral, and case management activities, regarding activities that are allowable as child support expenditures if they are incidental and related to establishing paternity, or establishing, modifying, enforcing, and obtaining support.

Some of the allowable activities include referrals to other programs, development and dissemination of educational materials about your child support program, child support educators or liaisons, child support case management, and other incidental activities that support the core purposes of the program.

OCSE highlights selected activities to encourage you to partner with other programs to supplement traditional establishment and enforcement procedures with early intervention and family-centered strategies designed to increase the ability and commitment of parents to support their children.

Below is a list of agencies for your consideration in collaboration:

ADMINISTRATION FOR NATIVE AMERICANS

The [Administration for Native Americans](#) (ANA) supports Native American communities by providing financial assistance and capacity building, gathering and sharing data, and advocating for improved policies within HHS and across the federal government. Their website has a vast array of information and resources that you might find helpful.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

The interplay between the child support program and the TANF program is especially important to learn about because that can affect where the child support money collected goes. All states have TANF programs and some tribes elect to operate federally funded TANF programs. Federal regulations require state TANF programs to have an assignment of rights, but tribal TANF regulations are more flexible. TANF is funded under Title IV-A of the Social Security Act and implementing regulation 45 CFR 260.10 et seq.

Historically, the child support program was a “cost recovery” program. This meant that when a parent received cash assistance for a child (formerly known as Aid to Families with Dependent Children (AFDC) and now known as TANF), a child support case was created. As a condition of receiving TANF benefits, the applicant was required to assign, or give over to the jurisdiction providing TANF, any rights to

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collected child support. In the child support and TANF communities, this agreement is called an “assignment of rights.” When when child support was successfully collected from the noncustodial parent, it was traditionally retained by the jurisdiction as a way to partially pay back some TANF costs.

Another condition of receiving TANF benefits is that the recipient is required to cooperate with the child support program in establishing paternity and an order for support. Failure to cooperate could result in a denial of TANF benefits. An exception to this requirement is the finding of “Good Cause” by the TANF agency. If cooperation with the child support program would put the custodial party and the children in danger, the child support program can work with the TANF agency to establish Good Cause.

Whatever the current impact is of the child support assignment with a state or tribal TANF program, or whatever the rules are around passing through child support dollars when a child is on TANF, coordination and communication is critical between your child support program and the state and/or tribal TANF partner agency. At a minimum, they may need to know how much child support a family is receiving to determine eligibility for the program. At the other end of the spectrum, you may need to remit successfully collected child support to the TANF agency as “retained support” because of the impact of the assignment, if there is an assignment.

You will likely encounter complex case scenarios in the child support program when it comes to how that case intersects with the state and/or tribal TANF program child support requirements. Given the different TANF rules at play, you may encounter complexities in appropriately distributing and disbursing collections.

If your tribe operates its own TANF program, it is important for you to introduce yourself and your child support staff to the TANF staff. It will also be helpful if you become familiar with the child support rules that your tribe’s and your state’s TANF programs work under. Since many of your child support customers might be receiving or previously received TANF from either the tribe or the state, you will need to know what, if any, tribal and/or state-owed debts are still on their account. Your Regional Program Specialist is a good resource person when you encounter questions about assignment of rights, pass through, distribution rules, and Good Cause.

COURTS

You will probably be working most closely with your Tribal Court and possibly with the local state court. It is crucial to build a strong relationship with your Tribal Court judges and staff because you must work with them on a regular basis.

During the start-up phase of your program, you will need to discuss laws, policies, and procedures and learn court protocols. You might want to establish a formal agreement with the tribal court or simply a verbal understanding. You may also find it helpful to schedule regular meetings with court personnel.

CRIMINAL JUSTICE AGENCIES

Whether your Tribal Nation has its own law enforcement agency or they rely on county law enforcement agencies, it is helpful to build good relationships with them.

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The law enforcement agencies can assist with service of process or locating parents. They may allow child support staff to visit incarcerated individuals to provide child support information or collect DNA samples. Sometimes it is necessary to arrange for incarcerated individuals to make court appearances by phone. You may also be able to work directly with incarcerated individuals to review and adjust support orders based on the incarcerated parent's ability to pay.

When parents are released from prison, finding a job is one of their toughest challenges. Paying child support without having a job is virtually impossible. Your agency may want to consider a partnership with workforce development or a community college to increase the likelihood that parents reentering the community are able to find work and pay support.

Pursuant to [45 CFR 309.155](#) you may not use IV-D funds for jailing parents for non-payment of support in tribal IV-D cases. Some Tribal Nations have agreements with county jails to pay for a specified number of beds per night to house people that the tribal judge orders to jail, including noncustodial parents that the court finds in contempt. Those costs must be paid with non-IV-D funds. OCSE has provided guidance ([AT-12-01](#) and [IM-12-01](#)) firmly outlining that a parent must have a proven ability to pay the required support, and be willfully failing to do so, in order to be jailed. Some Tribal Nations do not have access to incarceration services and must use other enforcement remedies.

Collaboration with the jail can also include access to daily jail lists of incarcerated individuals that might include their incarceration and/or mandatory release dates. This information can be very useful when you are trying to locate a parent or conducting a review for possible order modification.

DOMESTIC VIOLENCE

For many victims of domestic violence, child support represents an opportunity to establish and maintain economic independence from an abusive partner. Consider the potential for domestic violence issues with the customers you are working with. Identifying domestic violence issues early in the child support process can help safeguard the family and your staff.

Regulation 45 CFR 309.80 requires your child support program to have safeguarding policies and procedures in place to safeguard child support participants. To ensure the safety of the parties, children and your staff, you should collaborate with your local domestic violence program to develop clear policies and procedures for working cases involving domestic violence. Coordinating training for your staff will ensure their safety as well.

ACF's Family and Youth Services Bureau, Division of Family Violence Prevention and Services has funded several free online domestic violence training modules and free online resource collections. [Domestic Violence: Understanding the Basics](#) is an online, one-hour interactive eLearning module. The self-guided course provides a basic understanding of the complexities of domestic violence in a user-friendly format. You can find [additional resources](#) on the OCSE website.

EMPLOYMENT SERVICES OR JOB TRAINING

Some of the parents your program works with will have barriers that affect their ability to obtain or hold a job. A close working relationship with employment services and job training programs allows you the ability to refer those parents to ensure they have access to these kinds of services.

FATHERHOOD PROGRAMS

In an effort to promote healthy father-child relationships, many Tribal Nations operate fatherhood programs. Fathers might participate voluntarily or they might be referred or court-ordered to participate. Tribal child support programs often collaborate with their local fatherhood programs to refer fathers to the program, and in some cases, they might recommend participation as part of their enforcement remedies. It can be beneficial for you to contact your tribal fatherhood program and initiate discussions on how your programs can work together to promote responsible fatherhood, including staying current with child support payments.

FINANCE DEPARTMENT

Collaboration with your finance/accounting department is very important. Generally, the tribe's financial/accounting department is responsible to complete and submit your program's expenditure reports, cut checks, or make deposits for you. Lean on their expertise and develop a good working relationship with them. Not only will the relationship be beneficial when working with customers who have questions about child support checks, but also when tracking your program expenditures for your record keeping.

FOSTER CARE

The federal Foster Care Program helps to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency. The program is authorized by title IV-E of the Social Security Act, as amended, and implemented under 45 CFR [1355](#), *et seq.* Please visit the [Children's Bureau](#) website for more information.

All states, and a few tribes, operate a foster care program with federal funds under Part IV, Section E of the Social Security Act. There are circumstances that may arise within families that require the removal of a child from their home for their own protection or the protection of others. When a Child Protective Services (CPS) or ICW agency needs to step in to assist a child and family, it might be necessary for the agency to place the child with an approved foster family. When this happens, the agency is required to make a referral to the child support program.

After receiving a referral, the child support program's task is to establish paternity and an order for support, or to redirect collections of an existing order from one custodial party to the other. It is important for the tribal child support program to establish a relationship with the local foster care program. You might also consider developing formal policies and procedures for the referral process.

INDIAN CHILD WELFARE

The [Indian Child Welfare Act](#) (ICWA) is a federal law that was passed in 1978 that seeks to keep children who are enrolled, or eligible for enrollment, with a federally recognized tribe, with their tribal relatives. Congress passed the ICWA ([25 U.S.C. § 1902](#)) in a response to the number of Indian children being removed from their homes and placed in whatever foster homes were available. The purpose of ICWA

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is to protect the best interests of Indian children and promote the safety, security and stability of tribal families by placing Indian children with Indian families.

The ICW agency, or a relative caretaker, can request child support services following the placement of a child into substitute care. The child support program can establish paternity and an order for support or they can request a redirection of child support payments to the new custodial party. The redirection of child support to a new payee depends on the ICW policies for cost recovery. For more information, please visit the National Indian Child Welfare Association ([NICWA](#)).

KINSHIP CARE

Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends (often referred to as fictive kin). Relatives are the preferred resource for children that are removed from their birth parents because it maintains the children's connections with their families. Kinship care is one type of family preservation service.

Kinship care may be formal and involve a training and licensure process for the caregivers, monthly payments to help defray the costs of caring for the child, and supportive services. Kinship can also be informal and involve only an assessment process to ensure the safety and suitability of the home along with support services for the child and caregivers. Approximately one-fourth of the children in out-of-home care are living with relatives. Visit the [Administration for Children and Families Child Welfare](#) website for more information.

If your tribe or state operates a Kinship Care program, we recommend that you collaborate with the agency to establish clear protocols on how and when they make referrals to your program. Discussions should also include how your program can redirect child support payments to the agency or the relative caretaker.

MILITARY AND VETERANS PARTNERSHIPS

Many child support agencies partner with the Department of Defense Veterans Affairs to coordinate and integrate available services that will help service members and veterans manage their child support cases. OCSE coordinates a network of state and tribal military and veterans liaisons and has [resources](#) for military and veterans available on the OCSE website.

PARENTING SERVICES/PROGRAMS

Similar to fatherhood programs, some Tribal Nations have programs that provide a variety of services and support groups to promote responsible parenting and cooperative shared parenting for mothers and fathers. Collaborating with your tribal parenting organizations can also be beneficial when trying to encourage parents to work together for the best interest of their children.

TRIBAL ENTERPRISES AND TRIBAL HUMAN RESOURCES

It can be beneficial to have contacts at various tribal enterprises, your tribal Human Resources (HR) department and TERO (Tribal Employment Rights Office). Creating or building relationships with these

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agencies can make it easier to resolve issues that arise around wage withholdings, employment verification, and potentially help you obtain accurate wage information. You can also obtain new hire information about someone in your caseload when you have a good relationship and clear procedures with these agencies.

TRAINING AND CONFERENCE OPPORTUNITIES

Several non-profit organizations provide training and technical assistance to child support professionals. In addition, several state child support agencies offer annual training conferences. These organizations are not part of OCSE, although OCSE staff may participate in these organizations and present trainings at their events.

On-line training modules created especially for tribal child support program staff are available via the [OCSE website](#). The training modules include an orientation of the program, and specific training on topics such as locate, paternity, enforcement, and intergovernmental cases. [On-line training materials](#) can also be found on the OCSE website.

Here are some child support organizations that host annual conferences and training opportunities:

- **National Tribal Child Support Association (NTCSA):** <http://www.supporttribalchildren.org/>
- **National Association of Tribal Child Support Directors (NATCSD):** <http://natcsd.org/>
- **National Child Support Enforcement Association (NCSEA):** <http://www.ncsea.org/>
- **Eastern Regional Interstate Child Support Association (ERICSA):** <http://www.ericosa.org/>
- **Western Interstate Child Support Council (WICSEC):** <http://www.wicsec.org/>