

**Memorandum of Agreement for Child Support Services Between the
Upper Skagit Tribe's Temporary Assistance for Needy Families Program
and
The Washington State Department of Social and Health Services
Division of Child Support**

PREAMBLE

This Memorandum of Agreement (Agreement) is entered into between the Upper Skagit Tribe's, Temporary Assistance for Needy Families (TTANF) Program and the Washington State Department of Social and Health Services, Division of Child Support (DCS) each acting in their respective capacity.

This Agreement is based on the fundamental principles of the government-to-government relationship acknowledged in the 1989 Centennial Accord and reaffirmed by Governor Christine Gregoire on April 28, 2005.

This Agreement recognizes the Intergovernmental Agreement between the State of Washington and the Upper Skagit Tribe, which transfers the TANF program from the State to the Tribe and agrees to coordinate State and Tribal TANF services.

This Agreement recognizes the sovereignty of the Upper Skagit Tribe and the State and each respective sovereign's interests.

I.
PURPOSE AND OBJECTIVES

This Agreement furthers the Intergovernmental Agreement between the Upper Skagit Tribe and the Washington State Department of Social and Health Services (DSHS) and the TANF Operating Agreement between the Upper Skagit Tribe's TANF Program and the Mount Vernon Community Service Office (CSO) by establishing further mechanisms for DCS to facilitate child support services for Upper Skagit Indian Tribe TANF participants. This Agreement, consistent with the directive of the Social Security Act¹, allows for establishment, enforcement, distribution, and modification of child support services in the most efficient and responsive manner, thus ensuring the best interests and actual needs of children and families are met. The responsibilities of each party are detailed in the Agreement.

II.

¹ 42 USC Title IV (D)

AUTHORITY

The Upper Skagit Tribal Council is authorized to enter into this Agreement by Article VI of the Upper Skagit Tribal Constitution. The Washington State Department of Social and Health Services, Division of Child Support is authorized to enter into this Agreement by 42 USC 654 (33) of the U.S. Code and the Inter-local Cooperation Agreement Act, Revised Code of Washington (RCW) Chapter 39.34, which permit any state child support agency to enter into an agreement with an Indian tribe for their mutual advantage and cooperation. In addition, RCW 26.25 specifically encourages DSHS DCS and Indian tribes to enter into cooperative child support agreements. Execution of this Agreement does not constitute a waiver of rights, including Executive Order immunities, sovereign immunities, or jurisdiction.

III.

RESPONSIBILITIES OF THE DIVISION OF CHILD SUPPORT

DCS agrees to:

1. Open a child support case for recipients of Upper Skagit TTANF based on the receipt of an application for child support services. This application for services includes a completed Child Support Referral² (DSHS 14-057) form from the TTANF program and the custodial parent's (or custodian's) assignment of their child support rights to the Upper Skagit Tribe.
2. Submit the following minimum child support documents to the Upper Skagit TTANF Program on each child support case:
 - a. A copy of any relevant Child Support Orders.
 - b. A copy of the Basic Case screen.
 - c. A month-by-month child support debt calculation of any arrears owing to the TTANF Program.
3. Division of Child Support further agrees to provide child support services to the Upper Skagit TTANF participants continuously until the child support case closes. Child support services to participants include:
 - a. Locate the non-custodial parent and his or her assets.
 - b. Establish paternity.

² A referral form is not necessary for initial cases transferred from the State CSO to the Tribe, only an assignment form. A referral form is required for new TTANF cases.

- c. Establish child support and medical support.
 - d. Enforce orders for child support.
 - e. Enforce orders for medical insurance and judgments for medical support.
 - f. Collect and distribute child support due.
 - g. Modify child support and medical support.
4. Distribute child support payments in accordance with federal regulations. Child support payments distributed to debts assigned to the Tribe will be sent to the Tribes by electronic funds transfer (EFT).

[See 45 CFR 309.115, Distribution Provisions. While these distribution provisions are for tribal IV-D programs, IV-A stand-alone programs are encouraged to use them as a guideline.]

When a non-custodial parent has one or more cases with debts owed to the Tribe and to any other party, the payments will first be split proportionately to current support owed for the month the payment is received. Any payment remaining after current support is paid on all cases will be split proportionately to all cases based on the size of the debt on each case. IRS payments are applied based on federal and state distribution laws and policy.

5. Send child support payments directly to the Upper Skagit Tribe on behalf of the custodial parents in TTANF or former TTANF cases. DCS, upon receiving notification of the termination of TTANF, will continue to provide services to the custodial parent, unless the custodial parent requests case closure. DCS will continue to enforce any arrears that are assigned to the State, the Tribe or another jurisdiction. The custodial parent may also apply directly to DCS for services or ask DCS to close their case at anytime.
6. Notify the TTANF Program, in writing, when a custodial parent is not cooperating³. DCS cannot proceed without cooperation. Provide the Tribe at least thirty (30) days written notice when it is closing a child support case because of continued non-cooperation by the custodian.
7. Accept the TTANF Program's determination of good cause for the custodian not to cooperate in pursuing child support.
8. Centralize suitable TTANF child support cases in the Everett DCS Field Office.

IV.

³ DSHS 18-617, DCS & Tribe Information Change Notice. This DSHS form was designed for exchanging a variety of information between DCS and the Tribe on TTANF cases.

RESPONSIBILITIES OF THE UPPER SKAGIT TRIBE

Each time a TTANF case opens or re-opens⁴, the TTANF Program agrees to:

1. Send a complete and timely⁵ application for services, which includes:
 - a. A completed Child Support Referral (DSHS 14-057) form⁶ (Attachment A) for every non-custodial parent associated with each child.
 - b. A copy of the assignment of support rights signed by the custodial parent.
2. Notify DCS of the date TTANF was authorized and of the date TTANF ends⁷.
3. Provide DCS with location information about the custodial parent and non-custodial parent.
4. Inform DCS when Good Cause determinations are initiated and provide DCS with periodic reviews of good cause status in those cases.
5. Notify DCS when a child is born, permanently leaves the custodial parent's home, or returns to the home.
6. Provide the name and contact information of the person(s) responsible to provide/receive information regarding TTANF child support cases.

V.

RESPONSIBILITIES OF THE DIVISION OF CHILD SUPPORT AND THE UPPER SKAGIT TRIBE

Both the Upper Skagit Tribe and DCS agree to:

1. Inform the other party of events that may affect either the TTANF case or the child support case⁸, including but not limited to:
 - a. When the children are placed in foster care.
 - b. When there is a change in custodian, or when the parties reconcile, marry, or divorce.
 - c. When the child support order is modified or when a new order is entered.

⁴ No referral or assignment is necessary, if the TTANF Program makes a determination that the custodian has "good cause" not to participate in pursuing child support services.

⁵ "Timely" – Defined by Tribal program.

⁶ A referral form is not necessary for initial cases transferred from the State CSO to the Tribe, only an assignment form. A referral and assignment are only necessary for new tribal TANF cases that the Tribe wants DCS to provide child support services.

⁷ DSHS 18-617, DCS & Tribe Information Change Notice Form, is available for this purpose.

⁸ Id.

- d. When there is a change that effects TTANF eligibility (such as the custodian becomes employed, child(ren) leaves the custodian's home, child is born or emancipated, etc.).
- e. When the custodian receives a direct payment from the non-custodial parent, if known.
- f. When there is a reported incident of domestic violence or child abuse.

VI
PROGRAM COSTS

The Upper Skagit Tribe and DCS agree to bear their own costs with respect to fulfilling their respective responsibilities under this Agreement. No activities of this Agreement shall cause either party to obligate funds or other resources without prior approval.

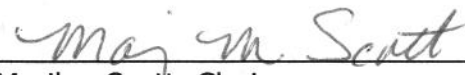
VII
CONFLICT RESOLUTION

The Upper Skagit Tribe and DCS agree to use a conflict resolution process outlined in the Tribal TANF Intergovernmental Agreement between Upper Skagit Tribe and the Washington State Department of Social and Health Services, as appropriate to the claim.


VIII
TERM

This Agreement shall become effective when the Upper Skagit Tribe and the Division of Child Support have signed the Agreement. This Agreement shall terminate on the same date as the Intergovernmental Agreement for Temporary Assistance for Needy Families between the Upper Skagit Tribe and the Washington State Department of Social and Health Services unless extended or terminated by any party upon thirty (30) days written notice of the intent to terminate to the other party.

On this 7th day of December, 2006 the following parties in their representative capacities, hereby approve the Agreement.



Marilyn Scott, Chair
Upper Skagit Tribal Council
Upper Skagit Tribe



David Stillman, Director
Division of Child Support
DSHS