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HOUSE BILL 2094

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Costa, Cooke, Skinner and Blalock

Read first time 02/20/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to cooperative agreements for child support with  
2 Indian tribal reservations; and adding a new chapter to Title 26 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature recognizes that Indian  
5 tribes are sovereign nations and the relationship between the state and  
6 the tribe is sovereign-to-sovereign.

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

17 It is the purpose of this chapter to encourage the department of  
18 social and health services, division of child support, and the Indian  
19 tribes within the state's borders to enter into cooperative agreements

1 that will assist the state and tribal governments in carrying out their  
2 respective responsibilities. The legislature recognizes that the state  
3 and the tribes each possess resources that are sometimes distinct to  
4 that government. The legislature intends that the state and the tribes  
5 work together to make the most efficient and productive use of all  
6 resources and authorities.

7 Cooperative agreements will enable the state and the tribes to  
8 better provide child support services to Indian children and to  
9 establish and enforce child support obligations, orders, and judgments.  
10 Under cooperative agreements, the state and the tribes can work as  
11 partners to provide culturally relevant child support services,  
12 consistent with state and federal laws, that are based on tribal laws  
13 and customs. The legislature recognizes that the preferred method for  
14 handling cases where all or some of the parties are enrolled tribal  
15 members living on the tribal reservation is to develop an agreement so  
16 that appropriate cases are referred to the tribe to be processed in the  
17 tribal court. The legislature recognizes that cooperative agreements  
18 serve the best interests of the children.

19 NEW SECTION. **Sec. 2.** (1) The department of social and health  
20 services may enter into an agreement with an Indian tribe or tribal  
21 organization, which is within the state's borders and recognized by the  
22 federal government, for joint or cooperative action on child support  
23 services and child support enforcement.

24 (2) In determining the scope and terms of the agreement, the  
25 department and the tribe should consider, among other factors, whether  
26 the tribe has an established tribal court system with the authority to  
27 establish, modify, or enforce support orders, establish paternity, or  
28 enter support orders in accordance with child support guidelines  
29 established by the tribe.

30 NEW SECTION. **Sec. 3.** An agreement established under this section  
31 may, but is not required to, address the following:

32 (1) Recognizing the state's and tribe's authority to address child  
33 support matters with the development of a process designed to determine  
34 how tribal member cases may be handled;

35 (2) The authority, procedures, and guidelines for all aspects of  
36 establishing, entering, modifying, and enforcing child support orders  
37 in the tribal court and the state court;

1 (3) The authority, procedures, and guidelines the department and  
2 tribe will follow for the establishment of paternity;

3 (4) The establishment and agreement of culturally relevant factors  
4 that may be considered in child support enforcement;

5 (5) The authority, procedures, and guidelines for the garnishing of  
6 wages of tribal members or employees of a tribe, tribally owned  
7 enterprise, or an Indian-owned business located on the reservation;

8 (6) The department's and tribe's responsibilities to each other;

9 (7) The ability for the department and the tribe to address the  
10 fiscal responsibilities between each other;

11 (8) Requirements for alternative dispute resolution procedures;

12 (9) The necessary procedures for notice and the continual sharing  
13 of information; and

14 (10) The duration of the agreement, under what circumstances the  
15 parties may terminate the agreement, and the consequences of breaching  
16 the provisions in the agreement.

17 NEW SECTION. **Sec. 4.** The department of social and health services  
18 may adopt rules to implement this chapter.

19 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute  
20 a new chapter in Title 26 RCW.

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