



TRAVERSING THE CHANGING TIDES OF CHILD SUPPORT

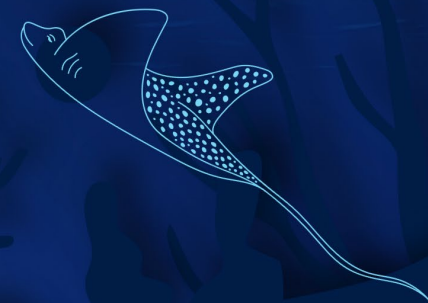


CHILD SUPPORT DIRECTORS ASSOCIATION



Across Borders and Jurisdictions

Navigating UIFSA in International and
Tribal Child Support Cases



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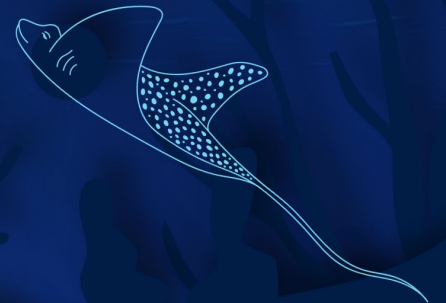


UIFSA in International Cases

Liza Barraza
Director
Imperial County DCSS



Guillermo Fernandez
Administrative Services Manager
Imperial County DCSS



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Overview

PART I

- I. International Context of the Hague Convention**
- II. Definition of Foreign Country:**
- III. UIFSA Section 5700.307**
- IV. UIFSA Road Map**
- V. Scenarios**





International Context for Convention



- 1956 UN Convention
- Four Hague Conventions
- Regional Conventions (OEA)
- 1996 PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act.)

Authorizes U.S. State Department, with concurrence of HHS, to declare a country a foreign reciprocating country if it meets certain child support standards

- 26 FRCs, prior to Convention
 - 14 countries
 - 12 Canadian provinces/territories





Recognition of Need for New Convention



- Hague review of existing Conventions – 1995 & 1999
- Questionnaires to States and interested organizations – 1998 & 2002
- Consultations/informal discussions – 2001 & 2002
- Mandate from 19th Session of the Hague Conference on Private International Law – 2002

Goals for New Convention:

- Administrative cooperation
- Comprehensive provisions building upon the best features of existing Conventions
- A Convention that would take into account future needs and new technologies
- International instrument that would be widely ratified



- As of June 30, 2025, Convention in force in 56 countries
- <https://www.hcch.net/en/instruments/conventions/status-table/?cid=131>

Albania	Burkina Faso	Ecuador	Guyana	Luxembourg	Philippines	Sweden
Austria	Cabo Verda	El Salvador	Honduras	Malta	Poland	Turkiye
Azerbaijan	Canada	Estonia	Hungary	Montenegro	Portugal	Ukraine
Belarus	Colombia	European Union	Ireland	Netherlands	Romania	United Kingdom of Great Britain and Northern Ireland
Belgium	Croatia	Finland	Italy	New Zealand	Serbia	United States of America
Bosnia and Herzegovina	Cyprus	France	Kazakhstan	Nicaragua	Slovakia	
Botswana	Czech Republic	Georgia	Kyrgyzstan	North Macedonia	Slovenia	
Brazil	Denmark	Germany	Latvia	Norway	Spain	
Bulgaria	Dominican Republic	Greece	Lithuania	Paraguay	Sweden	



UIFSA Definition of Foreign Country



FC 5700.102 Includes many, but not all, foreign nations

- Convention country
- Foreign reciprocating country (FRC)
- State reciprocal arrangement (Mexico)
- Country with laws substantially similar to UIFSA





Federal Bilateral Arrangements with US



- Statutory authority 42 U.S.C. § 659A
- Declared by Secretary of State, with concurrence of Secretary of HHS
- FRC must meet mandatory requirements:
 - Procedures for establishment of paternity and support for children and custodial parent
 - Procedures for enforcement of support order, collection and distribution
 - Cost-free services
 - Central Authority



■ FRCs that are not Convention countries:

- Australia
- El Salvador
- Israel
- Switzerland

■ Canadian provinces with FRC status:

Alberta	Nova Scotia
British Columbia	Nunavut
Manitoba	Ontario
New Brunswick	Prince Edward Island
Newfoundland/Labrador	Saskatchewan
Northwest Territories	Yukon

<https://ocsp.acf.hhs.gov/irg/welcome.html>



US Department of State's Role



- The Private International Law Office negotiates with foreign countries, with assistance of OCSS, academic experts, representatives of professional organizations, and state IV-D directors
- An arrangement between the U.S. and a foreign country for the enforcement of child support and declaration of FRC status by the Secretary of State may only be made with concurrence of Secretary of HHS



State Reciprocal Arrangements



- Federal statutory authority
 - 42 U.S.C. § 659A(d)
 - “State may enter into reciprocal arrangements for the establishment and enforcement of support obligations with foreign countries that are not the subject of a declaration pursuant to subsection (a), to the extent consistent with Federal law.”
- State statutory authority
 - UIFSA, CAFC Section 5700.308(b)
 - “The Department of Child Support Services, in consultation with the Attorney General, may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.”



Countries that are Parties to Reciprocal Arrangements with Some States

- Bermuda
- Dominican Republic
- Fiji
- Jamaica
- Mexico
- New Zealand
- Province of Quebec
- Republic of South Africa

Source: OCSS Intergovernmental Resource Guide, Question C.1

- Countries that are not Convention countries or FRCs. U.S. states vary regarding the existence of state reciprocal arrangements.
- <https://ocsp.acf.hhs.gov/irg/welcome.html>





UIFSA – Duties of Support Enforcement Agency



- State legislature could choose between 2 alternatives
 - Alternative A
 - **Must** provide services to any petitioner who requests services, even if petitioner applies directly from another country
 - Alternative B
 - **Must**, upon request, provide services to a petitioner residing in a state or requesting services through a Central Authority (Convention country or FRC)
 - **May**, upon request, provide services to an individual petitioner not residing in a state
 - Discretion in providing services to petitioner in a Convention country or an FRC who applies directly rather than through the Central Authority
 - Discretion in providing services to petitioner residing in any other country who applies directly
- 33 states, District of Columbia, and Virgin Islands enacted Alt A (CAFC 5700.306)
- 7 states, Guam, and Puerto Rico enacted Alt B



UIFSA –Road Map for Foreign Reciprocating Countries and State Reciprocal Arrangements

Section 5700.105

- Tribunal must apply UIFSA Articles 1 through 6 and, as applicable, Article 7, to a support proceeding involving:
 - A foreign support order;
 - A foreign tribunal; or
 - An obligee, obligor, or child residing in a foreign country
- Article 7 applies only to Convention proceedings
- Tribunal may apply Articles 1 through 6 when asked to recognize and enforce a foreign support order on basis of comity



Analysis and Case Processing Steps



- Conduct analysis
 - Incoming case
 - What is status of country where applicant resides?
 - Convention Country
 - Foreign Reciprocating Country (FRC) or
 - or State with Reciprocal Arrangements
 - How does Section 5700.0307(a) affect services?
 - Outgoing case
 - What is status of country where respondent resides?
- Follow the UIFSA road map
- Look up resources (See attachment materials to presentation)





Liza Barraza
Director
Imperial County DCSS





Overview

PART II

- I. **UIFSA Key Terms & Terminology: Jurisdiction:**
- II. **Registration for Enforcement/Modification Process:** Steps and requirements
- III. **Which State Law Applies?:** Choice-of-law considerations
- IV. **Specific Issues:** Practical challenges and tribal considerations
- V. **UIFSA Cases with Mexico:** Unique aspects and case handling



Main Concepts



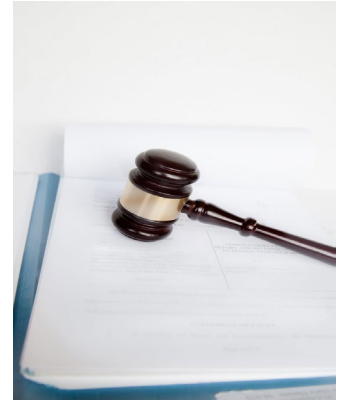
- **One family**
- **One enforceable order**
 - “Order”: defined FC 5700.102(2)
 - Determination of controlling order
 - Determination of arrears
- **One state with jurisdiction**
 - To modify, at any time
 - CEJ: continuing exclusive jurisdiction analysis
 - FC 5700.205
- **Empowers each state, but powers are limited**





Full Faith and Credit for Child Support Orders Act (FFCCSOA)

- 28 USC 1738B, enacted in 1994
- States must enforce child support orders for other states
- Prohibits mods unless juris (SMJ & PJ) & notice requirements met



UIFSA Article Structure



- **Articles I-VI: Support proceedings involving**
 - Interstate cases
 - Non-convention countries:
 - Foreign support orders
 - Foreign tribunals
 - Country with “substantially similar” procedures
 - Obligor, obligee, child in foreign country
 - Tribunals apply child support based on comity
 - List of countries:
 - www.acf.hhs.gov/css/partners/international



Key Terms and Terminology



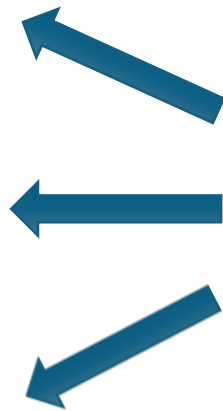
- FC 5700.102 (1)-(29) = UIFSA definitions
- “Obligor”/”obligee”, “debtor”/”creditor”
- “state” vs “State”
 - UIFSA 1996: State
 - UIFSA 2008: state
 - All U.S. states, includes territories, Indian nations, and tribes



Jurisdiction



- Establishment
- Enforcement
- Modification





Jurisdiction: Establishment or Enforcement



■ Establishment or Enforcement (FC 5700.201)

- Personal service in CA
- Consent
- Resided with child in CA
- Child resides in CA based on acts or directive of individual
- Sexual intercourse in CA and child could have been conceived by that act
- Dec of Parentage
- Any other basis consistent with constitutional bases for personal jurisdiction

- Kulko v. Superior Court of CA (1978) 436 U.S. 84





Jurisdiction: Modification CEJ



■ Continuing Exclusive Jurisdiction (CEJ) (FC 5700.205)

➤ Issuing state retains CEJ if 1 party still lives there [FC 5700.205(a)(1)]

- If no one there, CEJ exists if written consent/on the record [FC 5700.205(a)(2)]
- Parties can also consent to another state assuming CEJ if 1 party lives in new state



- Written consent must be filed in tribunal of issuing state (FC 5700.611)

■ Play Away Rule

➤ When everyone has moved out of the issuing state, the state of the non-requesting party has CEJ to modify

➤ FC 5700.611(a)(1)





Jurisdiction: Modification (CEJ)



■ Exceptions to CEJ

➤ Consent

➤ To maintain CEJ or shift CEJ

➤ Written consent must be filed in tribunal of issuing state

■ International Move Away

■ Modification of Foreign Support Order

➤ FC 5700.615



- **Register order first**
 - FC 5700.601 through 5700.608
- **Petition for mod can be filed at same time as request to register**
 - FC 5700.609
- **Assure CEJ exists**
- **Modify using CA substantive law**
 - FC 5700.611
 - Cannot stip or consent to use other state laws



Which State Law Applies?



Issuing State Law Governs:

- “Nature, extent, amount, and duration of current payments”
 - Support amount
 - Computation of arrears
 - Interest rate
 - Until order registered & modified by another state having CEJ
 - Then arrears calculated under new interest rates for different time periods
 - Age of emancipation (duration)
 - Allocation
- FC 5700.604



Which State Law Applies

Enforcing/responding state law governs:

- All other aspects, including:
 - Enforcement remedies
 - Contempt actions
 - Duty of support
 - Payable guideline amount

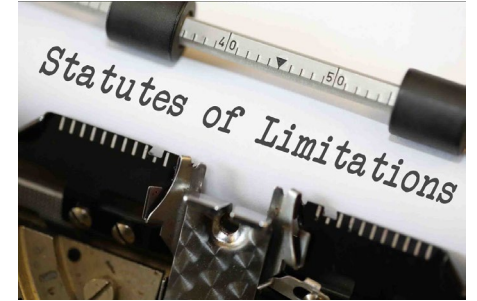
- FC 5700.303



Which State Law Applies

Statute of Limitations (SOL) on Enforcement?

- It depends: whichever is longer.
- FC 5700.604(b)
- For arrears, the tribunal must apply the SOL of its state or the issuing state, whichever is LONGER
 - For CA cases, SOL will usually be CA because orders enforceable until paid in full or otherwise satisfied.
FC 291(a), FC 4502



Specific Issues: Parentage Not a Defense



- **Parentage not a defense**

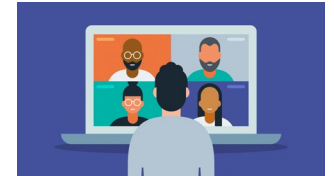
- FC 5700.315

- “A party whose parentage of a child has been previously determined by or pursuant to law may not plead non-parentage as a defense...”



Specific Issues: Evidence and Procedure

- **Physical presence of non-resident not required**
 - FC 5700.316 (a)
- **Deposition by phone of out-of-state party/witness**
 - FC 5700.316 (f)
- **Communication between tribunals**
 - FC 5700.317
- **Discovery assistance between tribunals**
 - FC 5700.318



Specific Issues: Defenses to Registration



Defenses to Registration

- **Within 20 days after Notice of Registration, allege:**
 - Lack of PJ
 - Fraudulent order
 - Order has been suspended, vacated or modified by subsequent order
 - Order stayed pending appellate proceedings
 - State law defense
 - Full or partial payment has been made
 - Statute of Limitations precludes enforcement
 - Not controlling order
- **Not parentage!**
- **Failure to timely contest results in confirmed order**



Specific Issues: Defenses to Registration

Defenses to Registration

- Burden of proof is on party contesting registration
- CT will determine controlling order
- CT can stay enforcement of registered order
 - In full, in part, or continue hearing for further evidence

PROVE IT!





Overview

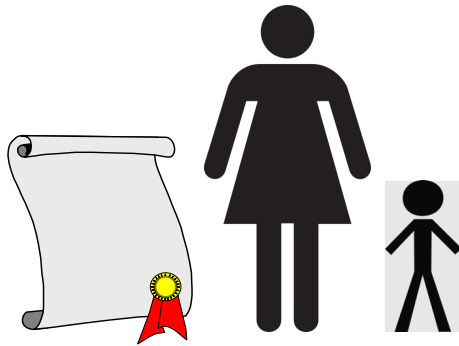
- Mexico is not a signatory Country of the Hague Convention
- Mexico is not considered a Federal Reciprocating Country by the U.S. Department of State, despite the issuance of a Declaration of International Reciprocity of Comity by the Federal Government of Mexico in 1992. (Please see attachment materials).
- Mexico has a State Reciprocal Arrangement with California.
<https://ocsp.acf.hhs.gov/irg/welcome.html>
- UIFSA Section I-VI applies in working cases with Mexico.



Case Scenario # 1 – Residence of Applicant

Assume the Parent Receiving Support (PRS) lives in Guadalajara, Mexico. The Parent Paying Support (PPS) lives and works in Los Angeles. She wants California to establish a child support order.

How should she proceed? What provisions of UIFSA will apply?



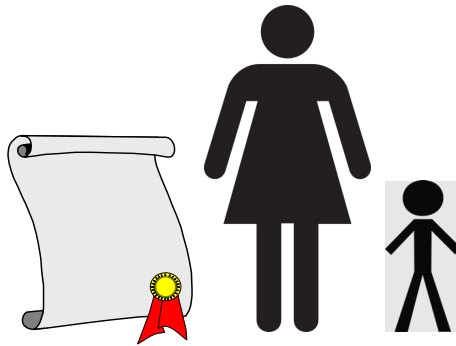
PRS does not reside in a Convention country so UIFSA Article 7 does not apply. Mexico is an State Reciprocal Arrangement (SRA). Articles 1 - 6 of UIFSA apply.



Case Scenario # 2 – Residence of Applicant

Assume the Parent Receiving Support lives in San Diego, California. The Parent Paying Support lives and works in Sacramento. She wants to recognize, enforce and modify her Mexican order.

How should she proceed? What provisions of UIFSA will apply?



PRS does not reside in a Convention country so UIFSA Article 7 does not apply. Mexico is an State Reciprocal Arrangement (SRA). Articles 1 - 6 of UIFSA apply.





Most Common Issues

- Establishment cases
 - Non-Parentage
 - Existence of a child support order in Mexico. (Voluntary Consignments of Child Support in Family Law of Criminal Cases).
- Registration and enforcement of judgments
 - There order is not final
 - There is a pending appeal
 - Was obtained by fraud
 - Was not personally served





UIFSA Cases with Mexico



Solutions:

- Establishment cases:
 - If PPS name appears in child birth certificate and LCSA wants to verify if this is evidence of parentage in Mexico:
 - LCSA can request the Mexican Consulate in their jurisdiction to issue a “Certificate of Mexican Law.” This document describes how paternity is established according to the laws of the applicable Mexican state.

- Enforcement cases:
 - Communication between Courts is allowed per Family Code Section 5700.317 and 5700.318.
 - To verify the legal effect of judgment, decree, status of a proceeding or assistance in obtaining discovery, the LCSA may use of Letters Rogatory to Obtain Evidence Abroad is suggested. Child Support Attorney Sourcebook, page 225





Sample Letter Rogatory Forms/Appendix

- <https://www.hcch.net/en/instruments/conventions/status-table/?cid=131>
- <https://acf.gov/css/partners/international>
- <https://ocsp.acf.hhs.gov/irg/welcome.html>
- Blank Ex Parte Application for Issuance of Letter Rogatory to Obtain Evidence Abroad
- Blank Request for International Judicial Assistance to Obtain Evidence Abroad





Questions?





Thank You!

LIZA BARRAZA

DIRECTOR

LIZABARRAZA@CO.IMPERIAL.CA.US

442-265-4899

Please be sure to fill out the session feedback on the mobile app Whova!



CHILD SUPPORT DIRECTORS ASSOCIATION



Thank You!

GUILLERMO FERNANDEZ

ADMINISTRATIVE SERVICES MANAGER

GUILLERMOFERNANDEZ@CO.IMPERIAL.CA.US

442-265-4894

Please be sure to fill out the session feedback on the mobile app Whova!



CHILD SUPPORT DIRECTORS ASSOCIATION



UIFSA in Tribal Child Support Cases

Krystal White
Deputy Child Support Attorney
Riverside County DCSS



CHILD SUPPORT DIRECTORS ASSOCIATION



Sovereignty

- ⚓ Tribal sovereignty includes the right to govern one's community, the ability to preserve one's culture, and the right to control one's own economy.
- ⚓ As sovereign entities, Indian nations are guaranteed the power and/or right to determine their form of government, define citizenship, make and enforce laws through their own police force, courts, collect taxes, and regulate property use.
- ⚓ Tribes do not draw their powers from any source of federal law.





Federally recognized Indian tribes

- ⚓ There are **574 federally** recognized tribal entities, of which 347 are within the continental United States and an additional 227 tribes are recognized in Alaska.
- ⚓ There are **32 tribal courts** in California, who serve approximately 50 tribes.
- ⚓ There is **1 Tribal IV-D** program in California (Yurok Tribe).
- ⚓ Status as a federally-recognized Indian tribe is a “prerequisite to the protection, services, and benefits of the Federal Government available to those that qualify as Indian tribes and possess a government-to-government relationship with the United States.” 25 C.F.R. § 83.2(a).
- ⚓ A federally recognized tribe is eligible for general aid to its government, and for assistance for such purposes as corrections, child welfare, education, and fish and wildlife and environmental programs.





Indian Country

- ⚓ Includes all areas within a reservation, trust allotments, and dependent Indian communities recognize by the federal government. 18 U.S.C. § 1151.





Public Law 83- 280 ("P.L. 280")

- ⚓ In 1953, Congress enacted Public Law 280, which conferred on six “mandatory” states jurisdiction over civil causes of between Indians or to which Indians are parties which arise in the areas of Indian country that are specifically listed in the statute.
- ⚓ There are two federal statutes that encompass PL 280: criminal and civil.
- ⚓ As one of the six mandatory P.L. 280 states, CA has jurisdiction over Tribal members and to civil actions arising in Indian Country.





Concurrent jurisdiction

- ⚓ Concurrent jurisdiction refers to a situation in which two different courts are authorized to exercise jurisdiction over the same subject matter, such that a litigant may choose to proceed in either forum.
- ⚓ P.L. 280 civil jurisdiction has been interpreted to be concurrent with Tribal jurisdiction, so Tribal Courts may also address family law matters.
- ⚓ Generally, jurisdiction over Tribal members is limited based on tribal sovereignty. If one or both parties are members of a specific tribe and live on tribal land, jurisdiction will belong to the tribe. *Montana v. United States* (1981) 450 US 544.
- ⚓ However, a state court has jurisdiction over an individual member of a federally recognized tribe living on a reservation to reimburse the county for public assistance paid to support the member's child. *County of Inyo v. Jeff* (1991) 227 Cal.App.3d 487.





Service

- ⚓ In a P.L. 280 state, that state can serve process in Indian Country.
- ⚓ Tribal members may be served on/off tribal land. *Nevada v. Hicks* (2001) 533 U.S. 353.





TRIBAL LAW – Tribal Courts



How do you know if you have a Tribal Case?

- ⚓ **One** or **both** parents or the child is Native American and/or lives on Tribal land.
- ⚓ An obligor **works** for a Tribal employer.
- ⚓ The Tribal Court has **jurisdiction** over the case in a pending action, or you are in a non-P.L. 280 state.
- ⚓ The Tribal Court has issued a **child support order**.
- ⚓ The children are receiving **Tribal TANF**.





TRIBAL LAW – Tribal Courts



General Overview

- ⚓ Most child support hearings in tribal court are judicial.
 - ◆ Some are administrative or a combination of both.
- ⚓ Each tribe is unique in terms of the law applied to child support. Most tribes have their own constitution and tribal code.





Full Faith and Credit for Child support Orders Act (or FFCCSOA)

- ⚓ “Records and judicial proceedings of any court of any such State, Territory or Possession”—the rendering forum—shall be given “full faith and credit in every court within the United States and Its Territories and Possessions” the enforcing forum. 28 U.S.C. § 1738.
- ⚓ Tribal child support orders are similar to other “state” orders. They are entitled to full faith and credit, retain CEJ, and can be registered and enforced in state Court. 28 U.S.C § 1738B.
- ⚓ The issuing court must have both subject matter jurisdiction and personal jurisdiction over the parties and the parties must have been given reasonable notice and opportunity to be heard 17 U.S.C § 1738B.





Continuing Jurisdiction

- ⚓ A tribal court has continuing exclusive jurisdiction over its order if the tribe is the child's residence or the residence of any individual party unless the court of another tribe, acting following the statute has modified the order.
- ⚓ FFCCSOA provides child support orders cannot be modified except following the statute.
- ⚓ Thus, if a Tribe continues to have CEJ, any modification of the Tribal child support order needs to be filed in Tribal Court.





General overview

- ⚓ Federal funding is available to federally recognized tribes to establish and operate child support enforcement programs. 42 U.S.C. § 655(f).
- ⚓ Tribes officially gained access to the Child Support Program with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996.
- ⚓ The Yurok Tribe in Eureka is the only CA tribe with a comprehensive child support program.

Tribal Program Locations
(as of September 2024)





Requirements

- ⚓ **Must** provide paternity establishment, support order establishment, modification/enforcement of orders and locate services.
- ⚓ Tribes are **required** to include in their child support enforcement plans the types of collection/enforcement actions the tribe can use.
- ⚓ There is no requirement that tribal support orders include medical support, but not prohibited from obtaining.
- ⚓ There is **no** requirement that a tribal agency in CA recoup TANF benefits. Thus, a TANF recipient who opens a child support case with a state IV-D agency is treated as non-assigned case.





Enforcement of orders in Tribal courts

- ⚓ State orders can be registered and enforced but it is not mandated if the tribe has CEJ.
- ⚓ Tribes are federally mandated to only collect/enforce monetary child support orders by way of an income withholding order.
- ⚓ **UNLESS**, the order is an “in-kind” order (non-monetary).
- ⚓ “In-kind” orders cannot be used to satisfy assigned support, including assigned arrears.





Tribal IV-D vs. State IV-D

- ⚓ Tribal IV-D programs operate under the sovereignty of the Indian Nations and are governed by tribal law.
- ⚓ Tribal IV-D programs are unique in that each Tribe has different procedures and ways of operating their programs. Many Tribes have adopted a holistic tribal family-centered service delivery model that reflects the tribal traditions and values.
 - ◆ This model is the acceptance of non-monetary forms of payment specific to tribe's culture and tradition. Some Tribes have provided for support through fish and/or firewood upon agreement of the parties. The support order must describe the type of non-cash support that will be permitted to satisfy the underlying specific dollar amount of the support order.
- ⚓ Tribes **are not** required to adopt UIFSA but **are** required to recognize child support orders issued by other jurisdictions in accordance with FFCCSOA.





Recognition of Foreign Judgments (FFCCSOA)

- ⚓ As stated above, CA is required to give full faith and credit for child support orders, including Indian Country.
- ⚓ However, Public Law 280 requires state courts to give full force and effect to tribal laws and customs, where not inconsistent with state law.
- ⚓ Similar to tribal courts re: subject matter jx, personal jx and CEJ.
- ⚓ If there is no statutory mandate for full faith and credit, tribal courts are entitled to comity.
- ⚓ IV-D agencies have an obligation to equally provide services to all children and families, including those on Tribal land even where Tribes are not cooperative. *Howe v. Ellenbecker* (1991) 774 F.Supp. 1224.



Determining controlling order

- ⚓ If multiple tribal and state orders exist, 45 C.F.R. 1738B(f), provides the rules to determine which orders should be recognized for purposes of CEJ.
- ⚓ CA is required to apply its provisions to tribal orders based on the Uniform Interstate Family Support Act (UIFSA).
- ⚓ However, tribal courts are not required to adopt or apply UIFSA.
- ⚓ If multiple state/Tribal orders, states follow UIFSA to determine controlling order. (CA. FC § 4911)



Specific Cooperative Agreements

(how to enforce CA child support orders with Tribes)

- ⚓ Information may only be shared if the state has a cooperative agreement with the tribe to perform certain IV-D functions. (Tribal courts and Tribal IV-D courts).
- ⚓ Currently, Tribal IV-D programs do not have access to the Federal Tax Refund Offset Program, but can gain access through cooperative agreement.
- ⚓ Data will be provided, but must be necessary to perform certain functions and the tribe/tribe IV-D is bound to the same confidentiality rules that apply to State IV-D programs. Must be provided for in the cooperative agreement.
- ⚓ LCSA's can release the information to the extent allowed in CA Fam.C. §17212(b)(1).
- ⚓ The tribal agency may develop a Memorandum of Understanding with the state child support agency to detail how cases are worked between governments.





Transfer of IV-D cases between State and Tribal Court

- ⚓ Controlled by California Rules of Court, Rule 5.372(a)-(h). Transfer from state court to tribal court. Rule 5.372(i) Transfer from tribal court to state court.
- ⚓ Notice of intent to transfer: before filing motion all parties must be provided with notice of their right to object and the procedure for doing so.
- ⚓ State court must determine that concurrent jx exists.
- ⚓ If concurrent jurisdiction exists, transfer will occur unless a party has objected in a timely matter (**20 days after service** of the notice of the right to object) at which time the court will conduct an evidentiary hearing. Objecting party has the burden of proof to establish good cause not to transfer to tribal court.





Trust money is Income

- ⚓ State courts have no jurisdiction over Tribes or Native American property, such as Tribal land or trust money. 28 U.S.C. §1360(b).
- ⚓ However, some tribes do honor per capita, but it is the same process how to do it, registration, tribal court, tribal agreement.
- ⚓ **BUT**... Trust money (money derived from leases of Indian Trust Allotment lands) or Per Capita (tribal revenue) can be considered income for determining guideline support. But cannot be used for enforcement of the support order. *IRMO Purnell* (1997) 52 Cal.App.4th 527.





Exempt Income

- ⚓ P.L. 280 does not extend to encumbrance of personal property of individual Indian.
- ⚓ 25 U.S.C. § 410 exempts trust money from liability for any debt owed by its member.
- ⚓ However, trust money will lose its identity as exempt property once it has been deposited in a bank account outside of the tribal land. *IRMO Purnell* (1997) 52 Cal.App.4th 527.





Income Withholding Orders

- ⚓ An IWO issued by a state court to the tribe or tribal employer is voluntary unless it is included in the cooperative agreement or it is received by a Tribal IV-D agency in accordance with their tribal due process requirements.
- ⚓ CA employers are required to honor tribal or Tribal IV-D IWOs. CA. FAM.C § 5230.1





What to do when IWO not honored

- ⚓ If tribal court: use the tribal court registration for enforcement process
- ⚓ If Tribal IV-D: use an intergovernmental referral to enforce the order
- ⚓ If no tribal court/IV-D: LCSA should attempt to develop an intergovernmental agreement with the tribe.





TRIBAL LAW - RESOURCES



⚓ OCSE:

- ◆ <https://acf.gov/css/child-support-professionals/tribal-agencies>

⚓ Tribal TANF:

- ◆ <https://www.cdss.ca.gov/tribal-tanf>

⚓ Public Law 280:

- ◆ <https://www.ojp.gov/pdffiles1/nij/209839.pdf>

⚓ Yurok Tribe:

- ◆ <http://yuroktribe.org>

⚓ CDCSS (secure) (IGT section):

- ◆ <https://counties.dcss.ca.gov/main/Default.aspx>

⚓ State/Tribal IV-D Programs:

- ◆ <https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/ComparisonofStateandTribalIVD2.pdf>

⚓ Tribal Court Directory:

- ◆ <https://courts.ca.gov/programs-initiatives/tribalstate-programs/tribal-justice-systems/california-tribal-courts-directory>





Thank You!

KRYSTAL WHITE

DEPUTY CHILD SUPPORT ATTORNEY

KrWhite@Rivco.org

Please be sure to fill out the session feedback on the mobile app Whova!



CHILD SUPPORT DIRECTORS ASSOCIATION