

The Chippewa Cree Tribe of the Rocky Boy's Reservatio..

Phone: (406) 395-4478 or 4210 - Finance Office
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RR 1 #
Box Elder, MT 59521

A RESOLUTION

No. 4709

TO APPROVE THE CHIPPEWA CREE TRIBE CHILD SUPPORT PROGRAM POLICY AND PROCEDURES. A PROGRAM UNDER THE SOCIAL SECURITY ACT TITLE IV-D.

WHEREAS, the Chippewa Cree Business Committee is the governing body of the Chippewa Cree Tribe of the Rocky Boy's Reservation by the authority of the Constitution and By-Laws of the Chippewa Cree Tribe, approved the 23rd day of November, 1935, and

WHEREAS, pursuant to their inherent sovereignty and Constitution and By-Laws of the Chippewa Cree Tribe, the Chippewa Cree Business Committee is charged with the duty to promote and protect the health, security, and general welfare of the Chippewa Cree Tribe, and

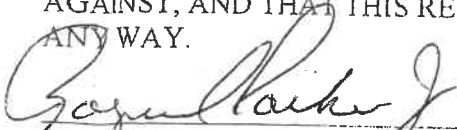
WHEREAS, the Chippewa Cree Tribe recognizes that the youth of the Chippewa Cree Tribe are the Tribe's most important resource and their welfare is of paramount importance to the Tribe and further the welfare and integrity of the family through safeguarding inter-family relationships will secure the rights of our children before the Chippewa Cree Tribe; and

WHEREAS, the Chippewa Cree Tribe is designated as the governing body to provide equal protection and the assurance of due process for tribal members under the Title IV-D Program of the Social Security Act, and that the policy and procedures will provide child support services to include establishment of paternity, establishment of child support and modification, and enforcement services for tribal members; and


THEREFORE BE IT RESOLVED, the Chippewa Cree Tribal Business Committee has recognized that in order to ensure the Chippewa Cree Child Support Program operates in an effective and efficient manner, it is necessary to pass the afore mentioned policies and procedures; now

CERTIFICATION

I, THE UNDERSIGNED, AS THE SECRETARY/TREASURER OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS CONSTITUTING A QUORUM WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD ON THE 2nd DAY OF APRIL, 2009, AND THAT THE FOREGOING RESOLUTION WAS FULLY ADOPTED AT SUCH A MEETING BY THE VOTE OF 7 MEMBERS FOR AND 0 MEMBERS AGAINST, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.



CHAIRMAN, BUSINESS COMMITTEE



SECRETARY/TREASURER

Chippewa Cree Tribe



CSP Procedures Manual

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Section I - Vision Statement:

We foresee that all children can depend on their parents for financial, medical and emotional support enhanced by the Tribe's unique Child Support Services working together with these guardians/protectors to ensure they receive these appropriate needs.

Section II- Mission Statement:

The Goal of the Chippewa Cree Tribe Child Support Program (hereinafter "CCT CSP") is to insure that adequate financial support is provided each child under the jurisdiction of the Chippewa Cree Tribe through negotiated child support agreements between the child's parents. If negotiated agreements are unattainable, the goal of the CCT CSP is to provide services to ensure that each child is financially supported by each parent and has adequate financial resources to live a quality cultural and traditional life.

Section III - Policy Statements:

The Chippewa Cree Tribe's Child Support Program Policy and Procedures will be reviewed every two years and necessary changes made accordingly with necessary updates.

A. Jurisdiction of the Chippewa Cree Tribal Court

- 1 The Chippewa Cree Tribe is a sovereign nation. Chippewa Cree Tribe public policies govern the Nation's operations. The Chippewa Cree Tribal Court is vested with the fullest jurisdiction permissible under applicable law. With respect to personal jurisdiction over nonresidents this includes, but is not limited to:
 - a. Members of the Chippewa Cree Tribe.
 - b. Persons who are served a summons within the reservation's exterior boundaries.
 - c. Persons consenting to the jurisdiction of the Chippewa Cree Tribal Court by participating in a proceeding unless participation is for the purpose of contesting jurisdiction.
 - d. Persons who are members of the Chippewa Cree Tribe or any other Indian Tribe and that person or another person resides on the Chippewa Cree Indian Reservation;
 - e. Persons residing within the exterior boundaries of the Chippewa Cree Indian Reservation with a child who is the subject of child custody, paternity or a child support proceeding.
 - f. Persons who have a legal duty to support a child and the child resides on the Chippewa Cree Indian Reservation and is a member or eligible to be a member of the Chippewa Cree Tribe; or has received financial assistance through any program administered by the Chippewa Cree Tribe.

B. Legal Representation

When the services of the Chippewa Cree Tribe CSP attorney are required, the CCT CSP attorney shall be the legal representative of the CCT CSP and any court advocate with a tribal bar license.

C. Conflict of Interest

1. CCT CSP staff shall liberate themselves and will be screened from access to files in any case involving themselves, their child, spouse, parent, grandparent, sibling, aunt, uncle or first and/or second cousin. All of the aforementioned relationships shall include those of a "step" and/or "half" nature.
2. Each CCT CSP staff member is required to read and sign a copy of the CCT CSP Confidentiality Agreement attesting that they have read, understand and agree to abide by this policy (*see Appendix A*).

D. Due Process Assurances

1. Every individual who seeks services from the CCT CSP shall have their contact(s) documented. This documentation shall include email, phone conversations, letters, notes, and case discussions with the caseworker, and any other contact or communications with CCT CSP staff. This documentation shall note the nature of the contact and the action taken for that individual.
2. Due process, for protection from Tribal Court cases involving establishment, modification, or enforcement of child support, and/or establishment of paternity, will handled in accordance with the due process requirements set forth in Title II of the Chippewa Cree Tribe Law and Order Code (*see Appendix B*).

E. Program Respondent Notice

Every person who is named as a respondent in a child support or paternity case will be sent a notice explaining that the CCT CSP has opened a case in which they might be involved. A certified letter will be sent with the appointment time and date providing the name and phone number of the staff person to contact if they have questions or need assistance.

F. Employee Bond Requirement

Every employee who, as a regular part of his or her employment receives, disburses, handles, or has access to or control over funds collected under the CCT CSP will be covered by a bond against loss resulting from employee dishonesty.

G. Termination of Support Debt

1. A child support obligation terminates upon the death of the child, death of the parent owing the obligation, or when the child becomes 18 years old.

2. Each year, program staff will flag cases for the termination of support debt when a court order indicates that the support debt ceases during the upcoming year (due to emancipation of the child). Staff will also flag cases in which arrearages will be paid off during the upcoming year if payment continues to be made regularly.

H. Refund of Improper Wage Withhold

1. When the CSP Administrative Officer learns that an amount of money for payment of child support or arrearages was improperly withheld, the CSP Administrative Officer will immediately request the tribal accounting office to authorize disbursement of a check in the amount improperly withheld to the parent who paid the support. This will be done within two working days.
2. Program staff will document in the case record what happened, why, what corrective action was taken and the date the action was taken.

I. Change of Payee

Upon request by a party (i.e. Non-Custodial Parent, Grandparent, Other Relative), who claims to have physical custody of the child(ren), the CCT CSP Caseworker will conduct further inquiries to the Rocky Boy School, TANF, and other agencies who may have information that another person has physical custody of the child(ren). Upon verification that the requesting party has physical custody of the child(ren), the CCT CSP Caseworker will complete a "Change of Payee" form if there is a current order directing payment to one custodial parent and the minor children are living in another home in order to redirect any monies collected to the home where the children are actually residing.

J. Change of Custody

1. If a parent, who a child support order names as being the non-custodial parent, claims to have custody of the child or children as defined by the Chippewa Cree Tribal Code, Title V "Domestic Relations", the CCT CSP will pursue a modification of the child support order only upon submission of:
 - a. A Notarized letter or a letter with two witnesses from the custodial parent attesting to the change in custody.
 - b. Copies of official records (school, clinic, other agencies) indicating that the non-custodial parent has custody.
 - c. Court Order. (No other documents are required.)

K. Recognition of Foreign Judgments

The Chippewa Cree CSP shall treat all valid foreign orders as if they were CCT CSP cases and provide all program services available under its plan and pursuant to the procedures set out in this document.

1) Within five (5) business days of receiving a referral for services from another IV-D program, the Intake Processing Clerk shall verify that the following information is included with the request.

- a) A letter that states the name of the parties and what services or assistance is being requested.
- b) A certified copy of the original order and proof of service.
- c) A certified copy of the most recent order and proof of service.
- d) If the request involves enforcement action to obtain payment of a financial obligation, a certified copy has the current financial history or summary.

2) Once all required information is obtained, the Intake Processing Clerk shall assign an intake case number and refer it to the CCT CSP Attorney for review and recommendation.

- a) The CCT CSP Attorney shall review the information for legal sufficiency for a Title IV-D case
- b) If the order is valid, the CCT CSP Attorney shall recommend the Tribal Court provide full faith and credit to the order and prepare the necessary orders.
- c) Upon receiving full faith and credit from the Court, the Intake Processing Clerk shall assign a permanent CCT CSP case number and assign the case to the appropriate CCT CSP caseworker.

3) If a foreign order is found to be invalid by the CCT CSP Attorney or the Court, CCT CSP Attorney or the CCT CSP Director shall inform the requesting jurisdiction of its findings, and the basis for those findings

- a) Based upon the most accurate information available, CCT CSP Attorney may make efforts to resolve the issues with the referring jurisdiction with providing them with a written letter explaining the reasons why CCT CSP could not validate the order.
- b) If the matter could not be resolved, the CCT CSP Attorney may proceed to enter a new order through the Tribe and its law, if the case meets the criteria under Title I of the Chippewa Cree Law & Order Code Title I Chapter 2 of the Chippewa Cree Law & Order Code – Jurisdiction (*see Appendix B*).
- b) The order shall be dated back to the date the invalid order was entered.

L. Case Closure

Upon closing a case, CCT CSP shall maintain the file for three years pursuant to the requirements of 45 CFR 309.85.

1) A case may be closed if all the children under the court order have obtained the age of 18 years old and there are no arrears due to the custodial parent.

2) A case may be placed on inactive status when one or more of the following criteria have been met:

- 17 1-0 1
- a) The noncustodial parent has a finding of permanent disability pursuant to 42 USC 401 to 433 and the child is receiving SSI/SSA benefits.
 - b) Death of the noncustodial parent after application to SSI/SSA for benefit of the child has been made and a claim has been filed against the deceased's estate.
- 3) Prior to closing a case the Child Support Caseworker shall send a Notice of Closure to the custodial and noncustodial parent informing them that their case will be closed if they do not file an objection within 10 working days.

Section IV - Program Procedure for Accepting Applications and Providing CSP

A. Availability

1. Applications for child support services from the CCT CSP are available to the public at the CSP Office between the hours of 8:00 AM and 4:30 PM, Monday through Friday except for holidays and CCT-recognized emergencies. Applications can also be obtained through the mail at Chippewa Cree Tribe Child Support Enforcement Office RR 1 Box 544, Box Elder, Montana 59521 or by calling the CCT CSP Office at (406) 395-4176.
2. A service fee may be required for the application process for persons seeking services from the CCT CSP based on the eligibility criteria below. The following income guidelines will be used as the criteria for determining the amount of fees.

Gross Annual Income is:	
Greater than \$25,000 (Fee is \$25)	Less than \$10,000 (Fee is \$5)
\$10,000 to \$25,000 (Fee is \$15)	TANF/Medicaid recipient (No Fee)

3. Within five (5) days of receiving an application, the In-take Processing Clerk shall identify necessary IV-D Program services.
 - a) Establish paternity: The CCT CSP Caseworker shall attempt to establish paternity through voluntarily acknowledgment of paternity, genetic testing, or Court action.
 - B) Locate services: The CCT CSP Caseworker shall attempt to locate custodial and noncustodial parents, and sources of income and assets.
 - c) Child support orders: The CCT CSP Caseworker shall prepare the necessary paperwork with the CSP Attorney to establish, review, and modify supports orders.
 - d) Enforcement: The CCT CSP Caseworker shall prepare the necessary paperwork with the CSP Attorney to refer the case to the Tribal Court for further legal enforcement when

a client fails to pay support obligations or a client disobeys a lawful order of the Court as provided for in this Policy and Procedures.

e) Collect and disburse payments: The CCT CSP Administrative Officer will track support that is due and payments then promptly disburse payments for support obligations, TANF, and spousal support.

f) Referrals to other Tribal and State programs for services: The CCT CSP Caseworker when a barrier to employment or payment of a support obligation is identified, will make referrals to appropriate Tribal and State programs for services (Referrals will be made as described in "Program Procedure for Making Referrals" on Page 13).

g) Education and outreach: The CCT CSP Administrative Officer will regularly maintain brochures on the program and its services provide education and information in the community, and training for key Tribal partners as necessary.

B. Procedure for Acceptance of Applications

1. Child Support Program Services: The CCT CSP Intake Processing clerk will accept an application from any individual and will provide the child support services. In the event CCT CSP is unable to provide a service, CCT CSP Intake Processing clerk will refer the client to the appropriate IV-D Program.

Section V - Program Procedure for Making Referrals

Child Support Service referrals will be conducted under the following circumstances:

- 1 When the Chippewa Cree Tribe lacks jurisdiction over the case, the CCT CSP staff will assist the person to make an application, accept the application and refer the client to the child support program of the appropriate state or tribe.
- 2 In a paternity case where the alleged father is not under the jurisdiction of the Chippewa Cree Tribe and does not voluntarily submit to the Court's jurisdiction, the CCT CSP staff will request that the child support program in the appropriate state or tribe order the alleged father to submit to genetic testing. The CSP will utilize the most cost effective and reputable means for genetic testing.
4. When the whereabouts of the person owing support or the alleged birth parent is unknown, the CCT CSP staff will check all available tribal resources to find information regarding the person's location (see locate procedure).
5. When a parent is unemployed or underemployed, the CCT CSP staff shall make a referral to an employment counselor, other resources and/or the TANF non-custodial parent program.

In any other situation where the CCT CSP is unable to assist, a CCT CSP staff will take reasonable steps to direct the client to appropriate services.

Section VI - Accounting Notification Procedure

A. Notice

1) Once annually, notices of collections and distribution will be sent to the custodial receiving the child support and another notice to the non-custodial parent who is paying a support obligation.

a) At any time, the custodial or non-custodial parent may request copies, and the CCT CSP shall provide copies of financial records.

b) CCT CSP shall maintain an open case for support obligation purposes until all custodial and IV-A obligations are satisfied.

B. Notice Copy

A copy of the notice will be filed in the relevant case file and shall include:

1. The name of the custodial parent receiving the child support.
2. The name of the non-custodial parent paying the child support.
3. An itemization, by month, of the amount disbursed.

Section VII - Program Procedures for Ensuring Confidentiality

A. Policy

It is the policy of the Chippewa Cree Tribe Child Support Program to protect the confidentiality of all information relating to individuals and families using the services of the CCT CSP. Information obtained on the client and the CCT CSP is confidential and must be safeguarded. **Child Support records will be kept in locked and fireproof storage.**

B. Purpose

To assure the case confidentiality of information for individuals and families using the Chippewa Cree Tribe Child Support Program, strict procedures have been set for the privacy and use of information for the program.

C. Procedure

1. CCT CSP staff will disclose no confidential information without written consent of the individual receiving CSP, except as provided by this document. Every staff

person shall sign a certification that the person has read and understands these policies and procedures and agrees, through their signature, to abide by them. Every staff person will be required to sign a confidentiality agreement with the CCT CSP Director. The procedures outlined in this section will apply to current and former staff regardless of whether employment ended upon voluntary or involuntary status from CCT CSP.

- 2. Standardized forms authorizing the release and/or exchange of confidential information shall be used and shall contain the following:
 - a. Name of Client;
 - a. Date;
 - b. Name and address of the person or entity to whom the information is to be provided;
 - c. Specific kind of information to be disclosed;
 - d. Reason for the disclosure;
 - e. Period of time the consent is to be in force;

- 3. Standardized forms for individuals or entities requesting confidential information from the program shall be used and shall contain the following:
 - a. Name of requestor;
 - b. Address of requestor;
 - c. Date of request;
 - d. Reason for requested disclosure;
 - e. Specific information requested;
 - f. Signature of requestor;
 - g. Date information is released.

- 4. Exceptions to this policy are as follows:
 - a. To meet specific standards of the CCT CSP when it is necessary for the establishment of paternity; establishment or modification of child support; location of parents; or enforcement of child support orders.
 - b. Information needed and/or ordered in the Chippewa Cree Tribe Tribal Court
 - c. The amount of child support collected or disbursed may be disclosed to a tribal TANF program or to a state TANF program for their use in determining eligibility of the person who paid the support or the person to whom the support was or should have been paid;
 - d. To the Chippewa Cree Tribe Indian Child Welfare Program or Child Protective Services to report suspected abuse or neglect of a child;
 - e. To tribal Adult Protective Services or Tribal Health Program to report suspected abuse or neglect of an adult; and
 - f. While ensuring that anonymity is protected, to track use of tribal services and statistics.

5. Requests from the CCT CSP for information from the Federal Parent Locator Service must be limited to individuals involved in cases of the CCT CSP.
6. When disclosure of information is requested of the CCT CSP, the Program staff's first attempt will be to obtain the written consent of the individual by notifying him/her that the request was made and mailing a release form to him or her.
7. All disclosures made, both with and without the consent of the individual, shall be documented in the case file, including the date of disclosure, person or entity receiving information, nature of information disclosed and reasons for disclosure. If the information was not disclosed, there shall be a statement documenting why the information was not disclosed.
8. All records of individuals and families shall be stored in a manner ensuring security and confidentiality. Records shall be maintained in locked fireproof cabinets, in a secure room with a lockable door.
9. CCT CSP employees who knowingly violate this policy will be subjected to disciplinary action under the Chippewa Cree Personnel Policies and Procedures, including the possibility of employment suspension and termination or civil action under the Chippewa Cree Law & Order Code Title V 1.15 – Confidentiality.

Section VIII - Program Record Keeping Procedures

A. Controlling the use of and accounting for federal funds and money collected on behalf of parents.

1. Every CCT CSP employee who receives disburses handles or has access to or of control over funds collected and distributed by the CCT CSP must be eligible to be covered by a bond against loss resulting from employee dishonesty.
2. Grant money will be audited and accounted for under the same policies, procedures, and safeguards that are applied to other federal grants received by the Chippewa Cree Tribe.
3. Funds received on behalf of parents will be accounted for by keeping the following data:
 - a. Amount received;
 - b. Person or entity it was received from;
 - c. Person on whose behalf it was received;
 - d. Date of receipt;
 - e. Person or entity to whom it was disbursed;
 - f. Disbursement date.

B. Preserving Confidentiality of Records

1. CCT CSP office doors will be locked when staff is not in the CSP building and/or offices. The following records will be kept in locked filing cabinets in the CSP Office:
2. All case files and the information required to be part of the case file, including:
 - a. Client application for support services;
 - b. Information/records concerning the location of the non-custodial parent;
 - c. Records on actions taken to establish paternity;
 - d. Records on actions taken to establish or modify child support orders;
 - e. Records on child support review hearings;
 - f. Comments outlining every action planned and every action taken, conversations, and correspondence, including dates;
 - g. Statements regarding disclosure or non-disclosure of information, as required by the Confidentiality Procedures.
 - h. Copies of all legal records pertaining to the case;
 - i. Records of other costs specific to the case including, but not limited to, genetic testing, service of summons, and certified mail;
 - j. Statistical, fiscal, and other records necessary for reporting and accountability as required.
3. The Chippewa Cree Tribe will adhere to the requirements of 45 CFR 74.53 regarding retention of and access to these records.
4. CCT CSP staff is prohibited from releasing confidential information that may identify the whereabouts of any party when a case involves domestic violence.
 - a) CCT CSP shall submit notification of a case that has been identified with domestic violence to the Chippewa Cree Tribal Court.
 - b) Domestic Violence cases shall be identified red file folders.

Section IX - Program Procedure to Locate Custodial and Non-Custodial Parents

A. Procedure

1. When the whereabouts of either the custodial or non-custodial parent is unknown, the CSP shall use all reasonable efforts to locate him or her. This includes using all sources of information and records that are available. Program staff shall:
 - a. Inquire with the individual's relatives and/or friends where the individual might be located and if unknown, where the individual was last living and where the individual was last seen.

- b. Research all available tribal resources for information regarding the individual's location and/or address:
 - i. Tribal Court Records
 - ii. Tribal Police Records
 - iii. Tribal Employment Records
 - iv. Tribal Financial Records
 - v. Tribal Housing Records
 - vi. Natural Resources Records
 - vii. Tribal Enterprises Records
 - viii. Tribal TANF Records
 - ix. Tribal Health Records
 - x. Any other Available Tribal Records
 - c. Research all available private on-reservation businesses for information regarding the individual's location and/or address.
2. All research collected and information received from others will be documented in the case file.

Section X - INCOME WITHHOLDINGS, GARNISHMENTS AND EMPLOYER RESPONSIBILITY PROCEDURES

A. Income Withholding. Income withholding is the most effective way to ensure collections are received and paid in a timely manner and shall always be used when a noncustodial parent has regular employment

- 1) The standard Federal income withholding form shall be used as a notice of the underlying Court order.
- 2) Upon completing the form the CCT CSP staff shall have the Chippewa Cree Tribal Court Judge sign each order.
- 3) Both CCT CSP and the Chippewa Cree Finance department are responsible for tracking and identifying when income withholding needs to be terminated.
 - a. To end current support when a child reaches the age of majority.
 - b. To end arrear payments when all custodial and TANF arrears have been satisfied.
 - c. When the amount that is being withheld, or the person from who it is being withheld, is incorrect.

B. Terminating or Refunding Payments

- 1) Upon notification of a minor child becoming an adult (child's date of birth) or by legal date the CCT CSP shall, with in three (3) days:

- a) Close the "current support account" when it has been paid in full and provide notice of full payment to the custodial and noncustodial parent and the payer's employer.
- b) Over-payments to the "current support account" shall be credited to collections from the payer; if there are no additional obligations, refunded to the payer.
- c) Additional over-payments to the "current support account" shall be held in the Chippewa Cree Tribe's account until a new order is entered for distribution of the collection.

2) Upon notification that a custodial parents' arrears account is paid, the CCT CSP department shall, within three (3) days: are you saying custodial parents' arrears account?

- a) Close the "custodial parents' arrears account" and provide notice of the closure to the custodial and noncustodial parent and the payer's employer.
- b) Over-payments on the "custodial parents' arrears account" shall be credited to collections from the payer; if there are no additional obligations, refunded to the payer.
- c) Additional over-payments on the "custodial parents' arrears account" shall be held in the Chippewa Cree Tribe's account until a new order is entered for distribution of the collection.

3) Upon notification that a collection from an employer has been improperly withheld, the CCT CSP department shall immediately place a hold on the payment or account.

- a) The collection error shall be verified/certified within three (3) business days and the improperly withheld amount returned to the source of the payment.
- b) Any errors in application of the collection shall be adjusted.

C. Employer Responsibility

Employers who fail to withhold child support as ordered are liable for the full amount that they should have withheld from the obligor's income. In the event that an employer does not comply with an order, the CCT CSP Director will first contact the employer to attempt to resolve the situation without court action. If the CCT CSP Director is not successful, the case will be referred to the CCT CSP Attorney who will proceed with legal action. The CCT CSP may also pursue civil contempt, which may carry a fine of up to \$500.00 for each contempt charge.

Employers may not take any discharge, refuse to employ, or take disciplinary action against an obligor parent due to a wage withholding requirement or request. Case managers should reassure clients of this fact. In the event that any staff member of the CSP becomes aware that an employer has engaged in the above actions, they should inform the CSP Director who can work with the Attorney to initiate legal action.

Sanctions for the employer is reference under Title V Chapter 1.14 (C) – Child Support of the Chippewa Cree Law & Order Code that states employers may be held liable for any child support amounts owed and who fail to withhold as ordered.

D. Child Support Arrears

In the event that there are child support arrears in a case, an additional 20% of current order shall be ordered and will be applied toward the liquidation of any overdue support. (Example: Current support is \$200, there is an arrears of \$1500, the new order would state '\$200 for current support, and \$40 towards the arrears of \$1500 for total payment of \$220 per month.)

Section XI - Child Support Collection Distribution Procedures

A. Distribution Procedures

1. If a person owes child support on more than one case, distribution shall be as follows:
 - a. Current support on each case: If there is not enough to pay all current support owing, each case shall be paid according to its share of the total current support owing. Combine all current support amounts, divide the individual case amount by the total and apply the resulting percentage of the amount collected to that case. Do this for each case with a current support obligation.

Example

The non-custodial parent owes the custodial parent "A" \$200 per month for child A and he owes custodial parent "B" \$300 per month for child B. The non-custodial parent can only pay \$400 total for the month based on his income and allowable expense deductions. The amount he should pay for each child is as follows:

Total due both children = $\$200 + \$300 = \$500$
Child A percent due = $200/500 = .4$ or 40%
Child B percent due = $300/500 = .6$ or 60%

The percentage for each child is multiplied by the \$400 that the non-custodial parent can pay:

Child A receives: $\$400 \times 40\% = \160
Child B receives: $\$400 \times 60\% = \underline{\$240}$
Total paid by NCP: \$400

- b. Arrears on each case: If there is money left over after all current support has been paid, apply it to the arrears owing on all cases. Combine all arrears and divide the individual case arrears by the total arrears. Multiply the arrears collected by the resulting percentage for each case. Within each case, apply the money first to any arrears owed the custodial parent and next to TANF.

Example:

In this case, the non-custodial parent owes the following:

Amount Due	Child A	Child B	Total
Current	\$200	\$300	\$500
Current % of Total	40%	60%	100%
Arrears	\$2,000	\$6,000	\$8,000
Arrears % of Total	25%	75%	100%

It has been determined that the non-custodial parent can pay \$900 per month total for child support.

First, the non-custodial parent must pay the current support of \$500 (\$200 to Child A and \$300 to Child B). The balance remaining to be applied to arrears is $\$900 - \$500 = \$400$.

Child A: $\$400 \times 25\% = \100.00

Child B: $\$400 \times 75\% = \underline{\$300.00}$

Total to Arrears: \$400.00

2. Any case that has been referred by another entity will have all monies forwarded to that jurisdiction. The CCT CSP will account for funds using the above formulas but all money will be sent to the referring jurisdiction for actual distribution.

B. Collection Procedures

Child support payments can be made in person to the CCT CSP Office or can be mailed to the CCT CSP's secured post office box. CCT CSP accepts cash or money orders only or employer withholding checks.

The CCT CSP Administrative Officer will provide one copy of the receipt to the payer, and one to the CCT CSP Caseworker, along with a copy of any money order or check by the employer withholding and will enter into the CCT Accounting system. The last receipt remains in the receipt book. Completed receipt books are returned to the CCT CSP department.

The CCT CSP Administrative Officer will place all payments in a locked safe for the Finance department to deposit at the end of the day. The CCT CSP Administrative Officer will prepare the deposit and will deposit according to the financial procedures for the Chippewa Cree Tribe.

C. Child Support Payments

The CCT CSP Administrative Officer will process all payments for child support and will process the payments for disbursement directly to the custodial parent, legal custodian or the court ordered payee for the child. Any payments made directly to the custodial parent, legal custodian or court ordered payee, will be considered as gifts. The CCT CSP staff will inform the obligor and the obligee, during the intake process, that any payments made directly to the custodial parent will be considered gifts.

D. Tribal TANF

Custodial Parents who are currently receiving tribal TANF will be required to assign their child support rights to the Tribe. The Tribal TANF program will count child support payments received as income in determining the amount of a TANF grant. TANF recipients must sign a release of information form that allows the CCT CSP to provide monthly financial information upon their request. The CCT CSP is responsible for coordinating with the Tribal TANF office and providing them with timely information.

Section XII - Chippewa Cree Tribal Court Case Procedures – Paternity Establishment

A. Establishment.

1. Paternity is established in the following ways:
 - a. If a child is born during a marriage, the husband of the child's mother is presumed to be the father. If he denies paternity, he will have to complete an affidavit stating he is not the father and may request genetic testing to prove if he is or is not the biological father of the child. The case may be referred to the Chippewa Cree Tribal Court for further action under the Chippewa Cree Law & Order Code Title V Chapter 1.8 Clinical Test Evidence.
 - b. The alleged father voluntarily acknowledges he is the father of the child. The court will decide if genetic testing is necessary.

- c. The alleged father denies he is the father after being named by the child's mother. The court will decide if evidence that he may be the father is sufficient to order genetic testing.
2. A petition to establish paternity may be filed by:
 - a. A natural mother
 - b. An alleged father of the child
 - c. The Chippewa Cree Social Services
3. A petition to establish paternity shall be filed with the Court on a form approved by the Court, which at a minimum shall include:
 - a. The names, ages, address and tribal affiliations, if any, of the petitioner, natural mother, the alleged father(s), the child, and others with court ordered custodial or visitation rights;
 - b. The dates of marriage, separation, and divorce, if applicable;
 - c. A statement that the natural mother and alleged father agree or disagree the alleged father is the child's natural father;
 - d. A statement whether there are any judicial or administrative paternity, dependency, termination of parental rights, minor in need of care, adoption proceedings, or paternity affidavits concerning the child;
 - e. A request to change the child's name, if applicable.
 - f. A certified copy of the child's birth certificate shall be attached to the petition.
4. Exceptions

The CCT CSP may determine that it would not be in the best interest of the child to establish paternity for any of the following reasons:

- a. A pending adoption or permanent legal guardianship
- b. A case involving incest or forcible rape.
- c. The parents and child are living together as an intact family and neither parent is requesting services from CCT CSP.

Section XIII - Chippewa Cree Tribal Court Case Procedures -- Child Support Order Establishment or Modification

A. General

Chippewa Cree Tribe Child Support Program Guidelines and Schedule will be used to determine the monthly child support obligation. Arrears may be requested from the date the application for services was filed. If the custodial parent of the children was receiving a TANF grant for the child, child support will be assessed according to the obligor's income and not the grant amount.

The following is required to establish a child support obligation or to modify an existing child support order:

1. Income of both parties (except if custodial parent has no duty to support the child)
2. If TANF reimbursement, an assignment of rights
3. Number of children each party owes a duty of support.

Exceptions.

1) A child support obligation does not need to be determined when one or more of the following exists:

- a) The IV-A Program providing services has provided a good cause exception to cooperation.
- b) The parents and child are living together as intact family and neither parent is requesting services from CCT CSP.
- c) There is no assignment of support rights to another IV-A program.
- d) Incest or rape.

B. Child Support Order Establishment

1. A petition to establish or modify child support may be filed by:
 - a. A parent
 - b. A Custodian/Care Giver
 - c. The Chippewa Cree Tribe CSP
 - d. Chippewa Cree Social Services
2. A petition for child support shall be on a form approved by the CCT and at a minimum shall contain:
 - a. The name, address, tribal affiliation, date and place of birth, and social security number of the parents or legal custodial parents and the child for whom support is requested;
 - b. The child support obligation requested or stipulated;
 - c. The proposed provision for health insurance for the child;
 - d. Any proposed work-related day care or extraordinary medical expenses;
 - e. The date the child support obligation is to begin and terminate;
 - f. The proposed frequency of support payments;
 - g. A statement whether child support payments should be made by wage

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- withholding;
- h. A statement from the CCT CSP will assure the following proceedings have been completed whether any of the following proceedings involving the parents or the child are pending or have taken place in any court or administrative agency, and if so, the date of the proceeding and the name and place of the court or agency:
 - i. Child Custody Proceeding;
 - ii. Child Support Proceeding;
 - iii. Paternity Proceeding;
 - iv. Proceeding requesting a protective, restraining or no-contact order involving the child or a party.
 - i. A statement whether either parent has received state or tribal public assistance, and if so, the date(s) and name(s) of the state or tribe providing assistance;
 - j. Financial information as required under Section 2 of Title 5 "Domestic Relations";
 - k. Authorization for the release of all financial records to the Chippewa Cree Tribe Tribal Court and the Chippewa Cree Tribe CSP;
 - l. Which parent should be allowed to claim the child as a dependent for income tax purposes; and
 - m. The recommendation of the Chippewa Cree Tribe CSP regarding child support and health insurance coverage, if applicable.

C. Modification of an existing Child Support Order

- 1. When there has been a substantial change in the income of the paying party or other factors that determined the original child support obligation, a party may request, by motion, modification of a Chippewa Cree Tribal Court child support order.
- 2. A motion to modify an order shall be accompanied by an affidavit or declaration and shall state the requested relief.
- 3. Both parties shall file updated financial information forms at least ten (10) days before the modification hearing, except that:
 - a. In agreed modification orders no financial information need be filed with the Court unless ordered by the Court; and
 - b. A party is not required to provide his or her financial information as part of the Court record provided that party has made full and complete financial disclosure to the Chippewa Cree Tribe CSP and the Program has certified that it has reviewed the financial information and its recommendation is based upon that information.
- 4. Child Support orders may be modified for future support only.

Section XIV - Traditional Circles

A Purpose and Objective:

Traditional Circles is designed to assist in increasing child support compliance and the frequency of child support paid. The Traditional Circle will also include an option for the Obligor and Obligee to settle on In-Kind payments. All In-Kind Payments will be agreed upon before any determination will be made (please refer to the Addendum to the Child Support Guidelines). The main objective is to create an atmosphere of ongoing cooperation and efficiency between our clients.

Procedure:

Arranging the Traditional Circles:

1. The judge, child support caseworker, director, either party, or staff attorney contacts (CCT CSP) and provides contact information (address, telephone numbers) for both parties.
2. The Traditional Advocate or caseworker contacts each party by letter or by telephone to arrange a convenient time.
3. If initial contact is by telephone, the CCT CSP representative provides an oral explanation of service.
4. If initial contact with a party is by letter, a flier containing Traditional Circles information for participants is enclosed with the letter (*see Appendix C*).
5. The CCT CSP Traditional Advocate or intake worker accepts/declines the case based on the outcome of the intake screening referenced in #2 above. (Cases deemed inappropriate are those in which spousal abuse, child abuse or neglect, mental illness, or either or both parties report active substance abuse or alcoholism.)
6. CCT CSP notifies the referring judge, caseworker, director, parties or staff attorney that case has been accepted/declined.
7. If the case is accepted, CCT CSP schedules Traditional Circles.
8. CCT CSP mails a written confirmation to both parties, along with the *What to Expect in the Traditional Circles Meeting* flier.
9. The day before the first scheduled session, CCT CSP re-confirms, by telephone, the attendance of both parties and the Traditional Advocate.

B. Conducting the Traditional Circles:

Chippewa Cree Tribe
Child Support Program

- 1 The Traditional Advocate informs the parties that participation in Traditional Circles is voluntary and confidential, and secures a commitment from the parties to work in "good faith," then Processes the *Agreement by stipulation through the court*.
- 2 The Traditional Advocate clarifies his/her role and describes the Traditional Circles process then asks for questions to clarify the parties' understanding.
- 3 The Traditional Advocate does not give legal advice or engage in the unauthorized practice of law.
- 4 The Traditional Advocate conducts the Traditional Circles in strict compliance with the *Code of Professional Conduct for Traditional Advocates*.

C Following the Traditional Circles:

- 1 The Traditional Advocate completes the *Record of Termination*.
- 2 All original paperwork is placed in the file.
- 3 3 CCT CSP will notify the court within 10 days as to the outcome of the Traditional Circles-agreement, partial agreement, or no agreement.

Section XV - Chippewa Cree Tribal Court Case Procedures – Enforcement of a Child Support Order

A. General

Child Support orders on open cases are enforced as long as unsatisfied arrears exist. If the issuing jurisdiction has a statute of limitations on child support obligations, those orders will have the issuing jurisdiction's statute of limitations applied to the obligation.

B. Petition

1. A petition to enforce a child support order may be filed by:
 - a. A parent or custodian/care giver
 - b. The Chippewa Cree Tribe CSP.
 - c. Social Services
2. The petition shall be accompanied by:
 - a. The child support order;
 - b. An affidavit or declaration stating the length of time the obligation has been overdue, or facts supporting a history of non-compliance;
 - c. The amount of overdue child support; and
 - d. The requested relief.

C. Enforcement

1. The most common enforcement tool is direct income (or wage) withholding. Direct income withholding can be achieved as follows:

- a. Voluntary income assignments completed and signed by the non-custodial parent. Program staff then sends the standardized form to the employer.
 - b. The "The Federal Wage With holding" order may be issued by the Chippewa Cree Tribe Tribal Court under Law and Order Code Title V
2. Other methods of enforcement are:
- a. Attachment of the party's assets;
 - b. An order intercepting federal, tribal or tribal enterprise retirement, contract or non wage payments;
 - c. An order revoking or suspending any business license issued by the Chippewa Cree Tribe, or any license or privilege to exercise any Chippewa Cree Tribe treaty right until payment is made;
3. Basic steps when a case is received for enforcement:
- a. New cases are to be reviewed by program staff to ensure that signed orders and direct pay affidavits are in the file and the named children are in the custodial parent's custody.
 - b. Arrears are calculated and a letter is sent to both the non-custodial and custodial parent to notify him or her of the amount of arrears.
4. Monitoring Enforcement of a Child Support Order
- a. For each CCT CSP case, staff either monitors the monthly payment when payment is made to the Tribe or assists the custodial parent upon request when payment is made directly to him/her.
 - b. When the person owing support makes payment through the tribe:
 - i. Payment is deposited into the CCT CSP Account.
 - ii. Program staff will record the amount of the payment and the application of the money (to the custodial parent, to the TANF program for current reimbursement or for arrears payments).
 - iii. Program staff will fill out the tribal requisition form for the Finance Department to disburse a check in the appropriate amount to the custodial parent of the children, a state or tribe that requested program services.
 - iv. Program staff will provide a statement of the account to both parties every year and upon request
 - c. When a party has made payment to a state, the CCT CSP will:
 - i. Provide a statement of the account to both parties yearly and upon request.

- ii. Receive notification from the state of the payment for current TANF reimbursement or for arrears payment.
- iii. Record the amount of the payment and the application of the money (to the custodial parent, to the TANF program for current reimbursement or for arrears payments.)
- iv. Fill out the tribal requisition form for the Finance Department to send a check in the appropriate amount to the custodial parent of the children, a state or tribe that requested program services.

Section XVI - Supervision

Supervision will be ongoing with an open-door policy and evaluations being conducted on a regular basis.

A. New employees

All new employees hired in a regular full-time (or regular part-time) capacity will serve a probationary period of six months. During this period, an employee's capabilities to perform the duties of his/her job are evaluated by their immediate supervisor.

B. Supervisory

An employee hired, promoted or transferred to a supervisory position or higher-level supervisory position will be subject to a probationary period of six months. An employee promoted or transferred to a supervisory position continues to utilize leave benefits during the probationary period.

If during the probationary period the employee's performance or conduct is found to be unsatisfactory, the immediate supervisor may terminate the employee for just cause, provided that the employee is given contemporaneous written notification citing the cause for the termination. Employees terminated during the probationary period have no right to grievance procedures.

New employee or supervisory probationary periods may be extended for an additional period not to exceed six months and only by approval of the Chippewa Cree Tribe Human Services Subcommittee. Probation shall be extended only where it is determined that such an extension is necessary to thoroughly evaluate the employee's ability to perform the full scope of assigned duties. In these cases, the employee will be notified, in writing, of the extended duration of the probationary period prior to the conclusion of the initial probation period.

If, at the conclusion of the employee's probationary period, the employee's performance and employment conditions have been satisfactory in all respects, the employee may be converted to regular status upon completion of the appropriate Employee Action Notice and written notification to the employee.

Employees failing to successfully complete their supervisory probationary period will be returned to their previous position, if it is available, at their prior rate of pay. If the previous position is not available, they will be laid off and placed on preferential status for reemployment.

Employees failing to satisfactorily complete a supervisory probationary period will not be considered for another supervisory position for a period of 12 months.

C. Standards for Customer Service

The CCT CSP staff will strive to always treat customers with courtesy and respect regardless of whether they are a custodial parent (CP) or non-custodial parent (NCP).

The CCT CSP will strive to work expeditiously on all child support cases to ensure that tribal children will have an identified father and that they are financially cared for by their absent parent.

Excellence in customer services means that educated and knowledgeable staff must be ready to assist tribal citizens, visitors, clients, customers, or program participants in receiving the help or assistance they need. Excellence in customer services also means, that as an employee, you will offer services in a fair manner that treats everyone with courtesy and respect. We will make diligent efforts to assist customers who have questions and concerns at the time of their request whether the request is via phone or in person. If we are unable to give them an immediate and/or satisfactory answer at the time, we will make every effort to research the situation and find the requested information. We will contact and relay the information to them within 5 business days. The Department has implemented an Administrative Customer Complaint Procedure so that any complaint will be handled uniformly and expeditiously.

GLOSSARY

1. **Arrearage:** means the past due, unpaid child support owed by the non -custodial parent who is required by administrative or judicial order to pay support.
2. **Assignment:** is the procedure by which a person receiving public assistance from a tribal or state program turns over any right to child support, including arrearages, paid by the non-custodial parent in exchange for receipt of cash assistance and other benefits.
3. **Attorney and/or Advocate:** A person who has been admitted to the Chippewa Cree Tribal Court pursuant to the Chippewa Cree Law & Order Code, and any applicable rule of the Chippewa Cree Law & Order Code.
4. **Child:** Any person under the age of eighteen (18) who is not otherwise emancipated, self-supporting, married, or a member of the Armed Forces of the United States. For purposes of enforcing child support orders from other jurisdictions under this agreement, "child" shall include persons over the age of eighteen for whom a support obligation has been set prior to the date the child turns eighteen (18), which provides for the support to extend beyond the age of eighteen (18).
5. **Child Support Order:** Any judgment or order of the Chippewa Cree Tribal Court, any court order of another competent jurisdiction, or an administrative determination established by the Department ordering payment of a set or determinable amount of child support, and/or medical support.
6. **Chippewa Cree Tribal Court:** The court established by the Chippewa Cree Business Committee pursuant to Article XII of the Chippewa Cree Tribe's Constitution and By-Laws.
7. **Custodial Parent:** The custodian of a child who is the mother, father or adoptive parent of a child.
8. **Custodial Step-parent:** The present spouse of the custodial parent where such status shall exist and continue until the relationship is terminated by death, dissolution of marriage, court order pending dissolution, or other court order relieving the step-parent of any child support obligations.
9. **Custodian:** Any person having the care, physical custody and control of any child or children.
10. **Department:** The State of Montana Department of Public Health and Human Services Child Support Enforcement Division.
11. **Descendant:** A person who is an enrolled member of an enrolled tribal member.
12. **Good Cause:** means a justifiable reason for which a person is excused from cooperating with the child support enforcement process or personal appearances in court, such as past harm to

the mother of the child cause by another party in the proceedings; situations where rape or incest resulted in the conception of the child; or situations where the mother is considering placing the child for adoption.

13. **Indian:** A person who is an enrolled member of a federally recognized or defined Indian tribe or a descendant of an enrolled tribal member.

14. **Judgment:** The final determination of the rights of the parties in an action.

15. **Judgment Debtor:** The party against whom a judgment has been entered.

16. **Medical Support Obligation:** An obligation of a parent to provide reasonable health insurance coverage for his or her dependent child (ren), including Indian Health Insurance medical coverage.

17. **Necessary Parties:** In any case referred to the Tribe by the Department, or on any case brought before the tribal forums in which public assistance monies are being expended on behalf of any of the parties, the state shall be a necessary party. In paternity actions of all the identified, alleged, or putative fathers shall be necessary parties. This includes the custodian, obligated parent and the child (ren).

18. **Obligee:** means the person, tribal, state or other agency or institution to which a child support obligation is owed.

19. **Obligor:** means the person with a legal obligation to provide support for a child pursuant to a judicial order.

20. **Register:** To file a child support order of judgment in the Chippewa Cree Tribal Court for enforcement and/or modification under the procedures referred to in this Agreement.

21. **Reservation:** For purposes of this document, Reservation as it relates to the Chippewa Cree Tribe of the Rocky Boy's Reservation will be consistent with the Chippewa Cree Constitution and By-Laws of the Rocky Boy's Reservation, Montana.

22. **Responsible Parent:** A natural parent, adoptive parent, or stepparent of a child who has been found to owe a duty to pay support monies.

23. **Support Monies:** Any monies on in-kind or traditional support recognized by the Tribe, paid or provided to, or on behalf of a child to satisfy a child support obligation whether denominated as child support, maintenance, or any other such money or in-kind or traditional support which is intended to satisfy an obligation for support of any child, or to satisfy in whole or in part arrears or delinquency of such obligation. Support monies shall also include medical support obligations.

24. **Tribe:** The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, a federally recognized Indian tribe that is recognized by the United States Government and established by Executive Order in 1916.

APPENDIXES

- APPENDIX A – CHIPPEWA CREE TRIBE CONFIDENTIALITY FORM
- APPENDIX B – CHIPPEWA CREE TITLE I & II
- APPENDIX C – CHIPPEWA CREE TRADITIONAL CIRCLE BROCHURE
- APPENDIX D – CHIPPEWA CREE CSP PERFORMANCE TARGETS

NOTE: The authorized Tribal Sub-Committee may elect to develop and use modified Forms that meet the specific need.

