

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



August 3, 2009

CSSIN LETTER: 09-07

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: CHILD SUPPORT PROGRAM AND TRIBAL TEMPORARY ASSISTANCE
 FOR NEEDY FAMILIES (TANF) PROGRAMS

<u>Reason for this Transmittal</u>	
<input type="checkbox"/>	State Law or Regulation Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order or Settlement Change
<input checked="" type="checkbox"/>	Clarification requested by One or More Counties
<input type="checkbox"/>	Initiated by DCSS

The purpose of this informational notice is to promote greater understanding and cooperation between California Tribal Temporary Assistance for Needy Families (TANF) program and the California child support program.

BACKGROUND

The California Department of Child Support Services (DCSS) recognizes and respects the unique relationship between the federal government and federally-recognized Indian Tribes.

DCSS acknowledges this special government to government relationship in the implementation of tribal provisions under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Federally-recognized tribes are sovereign; therefore, they can provide for the health, safety and welfare of their members based on their tribal customs, traditions and ancestral practices.

The Social Security Act (Section 412 United States Code (U.S.C.) 612 (a) authorized funding to federally-recognized tribes to administer and operate their own Tribal TANF program. The 45 Code of Federal Regulations (CFR) Part 286 affords tribes broad flexibility in determining eligibility, method of assistance and benefit levels. Food stamps and Medi-Cal benefits continue to be administered by the county social services department. Currently, there are fourteen Tribal TANF programs serving various tribes in California. However, not all counties in California have approved Tribal TANF providers. As of the date of this letter, there are no Tribal TANF providers in Calaveras, Imperial, Mono, Monterey, Napa, Orange, San Benito, San Bernardino, San Luis Obispo, Shasta, Sierra, Stanislaus, Tehama, Tuolumne, Ventura and Yolo counties.

In some counties, such as Humboldt, Riverside, Del Norte, Fresno, San Joaquin and Amador, there may be more than one Tribal TANF program serving a distinct service population within the same county. For up to date in-depth information on Tribal TANF, visit the California Tribal TANF website at <http://tribaltanf.cdss.ca.gov>

TRIBAL TANF

As a condition of eligibility for Tribal TANF benefits, a Tribal TANF program **may** require recipients of services to:

- Assign child support rights to the Tribal TANF program (Title 45 CFR 286.155).
- Cooperate with child support enforcement agencies (Title 45 CFR section 286.75 (a) (8)).

However, currently none of the fourteen California Tribal TANF programs require these elements as a condition of eligibility; to do so would require a Tribal TANF program to amend its plan with the Administration for Children and Families. Therefore, at this time, recipients of Tribal TANF that seek child support services from the Local Child Support Agency (LCSA) will have the child support case opened and managed as a non IV-A child support case. LCSAs may wish to develop a memorandum of understanding (MOU) with individual Tribal TANF programs to establish procedures for referring Tribal TANF recipients to the LCSA and to memorialize the expectations of both the Tribal TANF program and the LCSA. Pursuant to Title 42 of the United States Code (USC) Chapter 7, sections 654(7) and (33), and Title 45 CFR, section 302.34, all Cooperative Agreements entered by the IV-D Agency with other entities, including Indian Tribes and tribal organizations, shall be provided in the Title IV-D State Plan.

CHILD SUPPORT

When opening a child support case for a Tribal TANF recipient the case status will be one of the following:

- **Never Assisted** - If the recipient of Tribal TANF services has never received California Work Opportunity and Responsibility to Kids (CalWORKs) or Aid to Families with Dependent Children (AFDC), the case is opened and managed as a Never-Assisted (NA) or a non-welfare case. Any child support collected is distributed directly to the recipient.
- **Formerly Assisted** - If the recipient previously received CalWORKs or AFDC services prior to receiving Tribal TANF services, the case is opened and managed as a Formerly Assisted (FA) case.

- **Medically Needy Only** - If the recipient of Tribal TANF services is also a Medically Needy Only (MNO) case, the LCSA case is opened and managed as a MNO/Title XIX case. MNO cases may be either MNO/Formerly Assisted of MNO/Never Assisted.

BUILDING RELATIONSHIPS

DCSS recognizes the need to establish and maintain a framework for working effectively with Tribal TANF programs. Suggestions for LCSAs that may be of assistance include:

- Be respectful.
- Be patient – Tribal child support issues are new to LCSAs, DCSS, California Department of Social Services (CDSS) and to the Tribal TANF programs.
- Be timely, responsive and accurate in your communications with both Tribal TANF programs and recipients. Recognize that cooperation, communication, and coordination are critical.
- Be mindful that to recognize sovereignty is to recognize the unique character of each Tribal government; each tribe is unique unto itself.
- Be aware that cultural differences can cause communication challenges.
- Be open-minded. Keep focused on how best to provide essential services to the children and families.

LOOKING FORWARD

As a direct result of a recommendation from the 2009 Business Goals Workgroup *Effectively Working With Tribal Governments*, DCSS has established a Tribal Liaison position to support the coordinated effort of DCSS and local child support agencies in working collaboratively with tribal governments. To further this effort, DCSS is requesting each LCSA to identify a local tribal liaison to serve as a single point of contact for DCSS in working with LCSAs on tribal-related matters. Please submit the name, title and contact information to the DCSS by August 20, 2009 to policy.branch@dcss.ca.gov.

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If you have any questions or comments regarding this matter, please contact George Chance at (916) 464-5883.

Sincerely,

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BILL OTTERBECK
Deputy Director

cc: Tribal TANF Administrators
California Department of Social Services