Klamath Tribes Judiciary
Child Support Enforcement Office

Working With Other Tribes, States & Countries To Collect Child Support
FOR MORE INFORMATION PLEASE CONTACT US:

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The Child Support Enforcement Office is the tribal agency which administers tribal, state and federal child support laws. The following services are offered to help tribal families:

♦ Locating Noncustodial and Custodial Parents

♦ Establishing Paternity

♦ Establishing, Modifying & Terminating Child Support Orders

♦ Collecting and Processing Child Support Payments

♦ Working With Other Tribes, States and Countries to Collect Child Support

“Every child needs the love, care, medical and financial support of both parents.”
FULL FAITH AND CREDIT

The Klamath Tribes recognize and shall enforce child support orders issued by other Tribes, Tribal organizations, States and foreign governmental entities whether such orders are administrative or judicial in nature in accordance with the requirements of the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738B.

OTHER HISTORY & PRACTICES

The US Constitution, numerous court decisions and Federal law clearly reserve to tribes important powers of self-government, including authority to make and enforce laws, to adjudicate civil and criminal disputes.

States have been limited to offering child support services on tribal lands and Native American families have had difficulty obtaining services from state child support programs.

Cooperative agreement between tribes and states have helped bring child support services to increasing numbers of Indian and Alaska Native families.
It has been difficult to collect child support when the parent obligated to pay child support lives in one jurisdiction and the child and custodial parent live in another.

The Uniform Interstate Family Support Act (UIFSA) has procedures under which an enforcement official or private attorney can refer a case to another tribunal within the United States. The laws can be used to establish paternity and to establish, modify, or enforce a support order.

Interstate income withholding can be used to enforce a support order in another jurisdiction if the noncustodial parent’s employer is known. Income withholding can be initiated in one state and sent directly to an employer in another without involving the CSE agency in that state.
My ex-husband is a Native American who lives and works on an Indian reservation. Can the tribes CSE Office help get child support for my children?

If your ex-husband is a member of a tribe with a IV-D Child Support Enforcement Program, we will work cooperatively with them to get the child support you need.

If your ex-husband is a member of a tribe that does not have a Child Support Program, our Caseworkers will call the other tribes tribal court and ask about their tribal procedures for child support.

My ex-husband is not a Native American, but he works on a reservation. Will his employer withhold income from his check to make the child support payment?

If the other tribe operates a Child Support Program, our Caseworker will send the income withholding order through the tribes Child Support Program to the tribal enterprise for processing and income withholding.
QUESTIONS WHEN WORKING WITH OTHER STATES

♦ I know the out-of-state address of my children’s father, and my Caseworker sent a petition to establish my support order there. That was three months ago, and still no support payments. What’s wrong?

It may be a number of things: enforcement officials may not be able to serve notice on the noncustodial parent due to inadequate address information; if a hearing is necessary, it may take a while to get a court date.

Generally speaking, a state must complete service of process to begin an action within 90 days of locating the noncustodial parent, and the majority of orders should be established within six months from the date of service of process. Continue to keep in touch with your Caseworker to resolve any delay or to provide any new information you may have.

♦ If paternity is established in another state, will the support order also be entered in that state?

Not necessarily, for state not tribes, the Uniform Interstate Family Support Act procedures cover establishing paternity and establishing and enforcing child support orders when more than one tribunal is involved.
CONTINUED, QUESTIONS WHEN WORKING WITH OTHER STATES

♦ Will location and enforcement services cost more if my agency is dealing with another state or jurisdiction?

Possibly. It depends on what the CSE Office has to do to find the noncustodial parent and to establish regular support payments. For cases with no public assistance such as TANF and OHP involved, service fees vary in different states. Your caseworker will need to fact find and will let you know of any additional fees or costs.

♦ I have had to wait several months for my enforcement agency to get a reply to its request for location assistance in another state. Why does it take so long to get an answer?

State enforcement agencies have a high demand for their services. An agency’s ability to act rapidly depends on the characteristics of the case, the quality of the information received, and the amount of staff and other resources they have to devote to it. Be sure to follow up regularly with your Caseworker to make sure that each jurisdiction is actively working your case.
CONTINUED, QUESTIONS WHEN WORKING WITH OTHER STATES

♦ My former wife lives in another state. She owns an expensive car, jewelry, and several pieces of property. Would the CSE Program be able to attach this property for child support?

An interstate CSE action may be filed on your behalf to ask the other state to attach this property.

♦ The children’s mother lives in another state and every time the kids come home from there, they talk about her new car or stove or something, but she still won’t pay her child support. Why can she get credit if the courts know she owes her kids so much?

CSE office staff must report child support arrearages to credit bureaus, so that information is available to people/offices that offer credit. Also, the state notifies the noncustodial parent if the debt will be reported to the credit-reporting network. Sometimes, that is enough to encourage payment of the overdue support.
QUESTIONS WHEN WORKING WITH INTERNATIONAL CASES

♦ My child’s mother is still in this country, but I understand that she is planning to live abroad with her new husband. She owes me $14,000 in child support. Is there anything the CSE Office can do?

State CSE Agencies can certify child support arrearages of more than $5,000 to the Secretary of Health & Human Services, who, in turn, will transmit the certification to the Secretary of State for denial of passports. The passport can also be seized if she asks for any changes—change of address, a new visa, addition of a child, etc.

♦ The father of my child has left the United States. How can I get my court order for child support enforced?

The U.S. Government has negotiated Federal level reciprocity declarations with several countries and is negotiating declarations with others on behalf of all U.S. jurisdictions. The website sited below lists countries with which the U.S. has agreement:

www.acf.hhs.gov/programs/cse/international/index.html
There is clear and convincing evidence that children benefit greatly if both parents are actively involved in their lives. It is critical to children as they grow and develop. Mothers and fathers bring different, but equally important, qualities to their children.

Children need safe places to live, nourishing food, education, and a solid foundation of values. Bringing a child into the world means making a commitment to care for him or her throughout childhood—ensuring the best possible environment to grow in.