

HOUSE BILL REPORT

EHB 2094

As Passed House

March 13, 1997

Title: An act relating to cooperative agreements for child support with Indian tribal reservations.

Brief Description: Providing cooperative agreements for child support between the department of social and health services and Indian tribes.

Sponsors: By House Committee on Children & Family Services (originally sponsored by Representatives Costa, Cooke, Skinner and Blalock).

Brief History:

Committee Activity:

Children & Family Services: 3/4/97 [DP].

Floor Activity:

Passed House: 3/13/97, 96-0.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: Because Indian tribes are considered sovereign nations within the United States, they are immune from suit in state court. The scope of this immunity includes wage garnishment actions, actions to establish paternity and other child support enforcement mechanisms. As a result, it is difficult for the state to collect child support from tribal members and employees of tribes. Due to tribal immunity, the Division of Child Support (DCS) has a policy of refraining from issuing garnishment actions for child support against employees of Indian tribes, tribal enterprises and Indian-owned businesses on Indian reservations. At the same time, DCS is expected to provide the same level of support services to Indian families as to non-Indian families.

The department has dealt with this sovereignty problem by negotiating intergovernmental agreements with tribes. Of the 27 federally recognized Indian

tribes in Washington, DCS has been able to enter into intergovernmental agreements with three of them. DCS' state-tribal relations program is pursuing agreements with several of the other Washington tribes.

Summary of Bill: The department is authorized and directed to enter into cooperative agreements with Indian tribes to facilitate child support enforcement. Under agreements entered into by the department, the state and a tribe may develop procedures for establishing, modifying and enforcing child support orders, paternity orders and wage garnishment orders in tribal and state court. An agreement may also outline the financial responsibilities of each entity, create alternative dispute resolution procedures, identify culturally relevant factors, develop information sharing procedures, establish termination rules and provide consequences for violating the agreement. The actual content of the agreement is determined by the department.

In June of 1998 and 1999, the department will report to the Legislature its progress in entering into agreements and recommendations for furthering its progress.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Forming agreements between the state and tribes insures that children do not fall through the cracks. The bill would lend credibility to the department's efforts to reach agreements and would make the process quicker and easier. Placing the authority to reach agreements in statute would increase the priority given to DCS' program for negotiating agreements.

Testimony Against: None.

Testified: Representative Jeri Costa; Randy Scott, Quinault Indian Nation (pro); and Steve Gobin, Tulalip Tribes (pro);