

SENATE BILL REPORT

EHB 2094

As of April 9, 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: Representatives Costa, Cooke, Skinner and Blalock.

Brief History:

Committee Activity: Law & Justice: 4/2/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Mychal Schwartz (786-7444)

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 must 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: This bill is a follow up to the federal welfare act which encourages such agreements. This bill will give state sanction to the current activities of the Division of Child Support. It will assist in making interjurisdictional orders between the Native American tribal courts and the state and local courts work. The bill will help children.

Testimony Against: None.

Testified: Representative Costa, prime sponsor; Randy Scott, Quinault Indian Nation; John Lether, Division of Social Services, Lower Elwah Tribe.