



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

JOINT RESOLUTION 14-02-26-11

A JOINT RESOLUTION APPROVING THE MILLE LACS BAND CHILD SUPPORT ENFORCEMENT POLICY AND PROCEDURES.

WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Ojibwe; a federally-recognized Indian Tribe; and

WHEREAS, according to 3 MLBSA § 2(d), the Band Assembly is empowered to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, the Chief Executive of the Band is empowered to exercise the Executive Branch powers of the Band; and

WHEREAS, the manual is not intended to replace the Mille Lacs Band of Ojibwe Employee Policy and Procedure Manual or the MLB Tribal Codes; and

WHEREAS, this manual is to serve as a supplement; and

WHEREAS, this manual is intended to provide information specific to the issues of paternity establishment and child support enforcement and to serve as a point of reference during an employee's employment

WHEREAS, the Band Assembly and Chief Executive have reviewed the Mille Lacs Band Child Support Enforcement Policy and Procedures, and find that it is in the best interest of the Mille Lacs Band of Ojibwe to approve the Mille Lacs Band Child Support Enforcement Policy and Procedures.

NOW THEREFORE BE IT RESOLVED, that the Band Assembly and Chief Executive hereby approves the Mille Lacs Band Child Support Enforcement Policy and Procedures Manual.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 22nd day of November, 2010, at Hinckley, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

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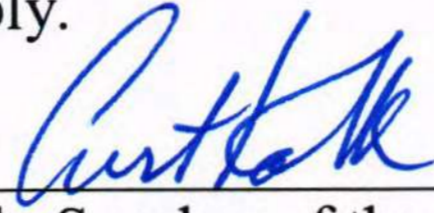
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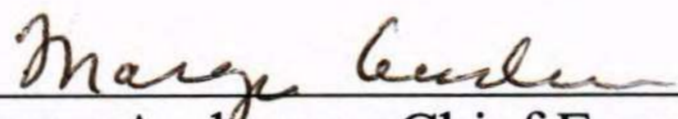
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IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.



Curt Kalk, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, hereunto set my hand to this resolution.



Marge Anderson, Chief Executive


OFFICIAL SEAL OF THE BAND

Mille Lacs Band
Child Support Enforcement Program



Policy and Procedures

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November 22, 2010

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1.0 INTRODUCTION

Intent

This manual is not intended to replace the Mille Lacs Band of Ojibwe Employee Policy and Procedure Manual or the MLB Tribal Codes regarding policies and procedures, as they take precedence, but to serve as a supplement. This manual is intended to provide you with information specific to the issues of paternity establishment and child support enforcement and to serve as a point of reference during your employment with the child support program.

It is the intent of these policies to be the foundation on which we build and maintain a program that provides quality services to the children and families of our community. In addition, clear and consistent methods of operations will foster and support strong working relationships amongst our staff, the Mille Lacs Band of Ojibwe, the State of Minnesota and the federal Regional and Central Offices of Child Support Enforcement.

Any concerns that may arise regarding the policies or procedures of the program should be addressed with the IV-D Director. Failure to comply with these policies could result in disciplinary actions as outlined in the Mille Lacs Band of Ojibwe Personnel Policy and Procedures.

Modification

In order to maintain the necessary flexibility in the administration of internal policies and procedures, the Mille Lacs Band Child Support Enforcement Program ("MLB-CSEP" and otherwise referred to as the "Band Authority" within Title 8 of the Mille Lacs Band Child Support and Paternity Codes) reserves the right to change, revise, or delete any or all of the policies and procedures as described in this manual at any time it is determined such a change is necessary or desirable with the following exceptions:

1. All Tribal personnel policies and procedures referred to in this manual are in reference to the Mille Lacs Band of Ojibwe Personnel Policy and Procedures manual. The manual was developed under a separate administrative mechanism than the child support program and will not be altered by anyone other than the authorized Tribal body;
 2. The Mille Lacs Band Statutes Annotated (MLBSA) referred to in this manual are the law of the Band and cannot be altered by anyone other than the authorized Tribal body;
 3. Some policies and procedures are prescribed and regulated by tribal, state or federal regulations, codes and/or laws and cannot be altered or modified by the child support program.
-

2.0 MISSION STATEMENT

The Mille Lacs Band Child Support Enforcement Program's (MLB-CSEP) primary goals and objections are based in the Mille Lacs Band Statutes Annotated Title 8, Chapter 12, Section 2004(b):

The Band Authority is authorized to provide child support enforcement services to all parents and children subject to the jurisdiction of the Band. The Band Authority is authorized, among other things, to:

- (1) locate obligors and/or their assets and debts;*
- (2) seek a determination of parentage;*
- (3) seek the establishment or modification of child support; and*
- (4) enforce support orders and laws relating to the duty of support.*

In addition to the clear purpose adopted by the Band, MLB-CSEP will also incorporate, at all times possible, the Band's customs and traditions when working with Band members and their families when establishing child support and paternity orders, modifying orders, enforcing orders and locating parents and their assets. It is also MLB-CSEP's intent to form strong partnerships with Tribal agencies and the Tribal Court that assist the families and children within our service area to provide well-rounded and holistic services to promote healthy families.

3.0 GENERAL PROVISIONS

3.01 Jurisdiction

The Mille Lacs Band Child Support Enforcement Program (MLB-CSEP) operates under the laws as set forth in the Mille Lacs Band Statutes Annotated (MLBSA) as follows:

MLBSA – Title 2, Chapter 1, §10 – Geographical Jurisdiction for Services:

- (a) Enrolled members of the Non-Removable Mille Lacs Band of Chippewa Indians who reside on trust and/or allotted lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians or who reside within a thirty mile radius of such trust and/or allotted lands shall be entitled to participate in the Cultural, Natural Resources, Economic, Social, Educational, Health and General Welfare Resources of the tribal government as authorized by Article XIII of the Constitution of the Minnesota Chippewa Tribe.*
- (b) The Geographical Service Area for administering Temporary Assistance to Needy Families (TANF) shall be the Minneapolis/St. Paul urban areas of Hennepin, Anoka, and Ramsey Counties in addition to the geographical jurisdiction in subsection (a) of*

this section and shall be in accordance with a plan submitted by the Commissioner of Education and approved by the Band Assembly.¹

MLBSA – Title 5, Chapter 2, §111 – Subject Matter Jurisdiction:

- (a) The Court of Central Jurisdiction shall have jurisdiction over all civil and criminal matters where all parties are Indians within the jurisdiction of the Court. The Court of Central Jurisdiction shall have civil jurisdiction over non-Indians in all cases as provided in Section 113 of the Chapter. The Court shall have jurisdiction pursuant to the laws of the United States of America. The Court shall have jurisdiction over contracts made with the Non-removable Mille Lacs Band of Chippewa Indians, or any of its political subdivisions or entities, for service to be performed within the territorial jurisdiction of the Band, except as such jurisdiction may be otherwise limited by Band Statute.*
- (b) The Court of Central Jurisdiction is hereby granted exclusive original jurisdiction over all criminal and civil causes of action, involving any person, where such grievance or dispute arises concerning any property personal or otherwise, located on lands or contiguous waters subject to the jurisdiction of the Non-Removable mille Lacs Band of Chippewa Indians.*
- (c) The Court of Central Jurisdiction shall have subject matter jurisdiction over any cause of action that may arise from unwritten cultural law or a violation thereof. The Court of Central Jurisdiction however, in the exercise of its authority to enforce all provisions of unwritten cultural law and upon its authority to possess as to accord equal justice shall give full force and effect to 24 MLBSA Chapter 1, if the provisions of that chapter are not inconsistent with any custom or cultural law heretofore or hereafter in place in the determination of cultural causes of action arising pursuant to any statute of the Non-Removable Mille Lacs Band of Chippewa Indians.*
- (d) (1) The Court of Central Jurisdiction shall have jurisdiction over all civil matters in which the Non-Removable Mille Lacs Band of Chippewa Indians, any of its political subdivisions or entities, or its officers, appointees or employees are parties in their official capacity. Nothing herein shall be construed as a waiver of sovereign immunity of the Band unless specifically authorized in accordance with Band law or by specific Band Statute.*
(2) The Court of Central Jurisdiction has exclusive jurisdiction over all suits in which Band officials are defendants where declaratory and equitable relief is sought.
- (e) The District court of the Court of Central Jurisdiction shall have original jurisdiction over all criminal and civil matters except as otherwise provided by law.*

MLBSA - Title 24, Subchapter 1, §2 - Exclusive Original Jurisdiction:

- (a) The court of Central Jurisdiction is hereby conferred exclusive original jurisdiction over all civil causes of action, involving any person, where said grievance or dispute arises concerning any property, personal or otherwise, located on lands subject to the jurisdiction of the Non-Removable mille Laws Band of Chippewa Indians, except as otherwise provided in paragraph (b) below.*

¹ When 2 MLBSA § 10 was codified the TANF program was under the Department of Education. In 2004 the TANF program was moved under the Department of Administration.

(b) *The Court of Central Jurisdiction shall have exclusive original jurisdiction over all civil matter in which the Non-Removable Mille Lacs Band of Chippewa Indians, any of its political subdivisions or entities, or its officers, appointees or employees are parties in their official capacity; provided that the Court of Central Jurisdiction shall have no jurisdiction over any such civil matter if (1) the Band or any of its political subdivisions or entities, by written contract, consents to the jurisdiction of any other court or courts of competent jurisdiction, to the exclusion of the Court of Central Jurisdiction, and waives its sovereign immunity only to this extent and (2) the Band Assembly adopts a resolution ratifying the contract. Band Assembly ratification of a contract in which a political subdivision or entity of the Band waives that subdivision or entity's sovereign immunity. Nothing herein shall be construed as a waiver of sovereign immunity of the Band unless specifically authorized in accordance with Band law or by specific Band statute.*

§3 Concurrent Jurisdiction:

The jurisdiction invoked by this chapter over any person, cause of action or subject shall be concurrent with any valid jurisdiction over the same of the Courts of the United States; provided, however, this chapter does not recognize, grant or cede jurisdiction to any other political or government entity.

3.02 Laws and Regulations

The MLB statutes ensure that MLB-CSEP has the full statutory authority to meet all the necessary components of 45 CFR 309.90.

The MLB CSEP operates under applicable Mille Lacs Band Statutes Annotated (MSBSA). MLBSA Title 8, Chapter 12 as follows:

§ 2005. Judicial Proceedings

(a) *The Court shall have jurisdiction under this chapter over all parents and children subject to the jurisdiction of the Band. Except as otherwise provided by Federal law, such jurisdiction shall include but not be limited to all persons who are members of or are eligible for membership in the Band, all persons who are members of or are eligible for membership in another tribe and who reside within the Band's geographic limits, all persons who are alleged to be the parent of a child (including an unborn child) and whose parenting partner is a member of or is eligible for membership in the Band or is a member of or eligible for membership in another tribe and resides within the Band's geographic limits, and all persons who knowingly consent to the jurisdiction of the Band under this chapter. Except as otherwise provided by Federal law, if another federal, state or tribal court has jurisdiction over any matter provided for in this chapter, the Band Court shall have concurrent jurisdiction over the same matter.*

3.03 Due Process

Due process of law is the right of all persons to receive the guarantees and safeguards of the law and the judicial process.

Pursuant to the Mille Lacs Band Statutes Annotated, Title 1 – Civil Rights Code and 45 CFR 309.65(3), the due process rights of all individuals will be protected throughout the child support proceedings including establishment of paternity, and establishment, modification, and enforcement of support orders.

3.04 Service of Process

Parties must be given notice of all court actions that are being commenced upon them. All initial court actions must be noticed to the parties via personal service or by U.S. Postal Service.

To assure personal service is successful, the Case Manager must verify the person's location, whether it is a physical address of residence, mailing address or name and location of an employer.

The Respondent (non-custodial party) must be given notice of pending court action by the Clerk of Court by mail in adequate advance as prescribed by MLB Court Order 45 – Section X, Rule 102 for the particular legal action being taken. The Case Manger should notify the Clerk of Court when there has been a change in mailing address for any party via e-mail.

Procedures

At any time during the life of a child support case when legal action is required, the Case Manager will generate the necessary legal documents, containing all the required information in compliance with the MLB Court Order 45.

The Case Manager will refer the documents to the Child Support Attorney for review and signature. After review and approval, the Attorney will refer the documents back to the Case Manager. The Case Manager will complete the personal service process by filing the documents with the Clerk of Court.

When service is unsuccessful, the Case Manager will again attempt to obtain more accurate locate information for the non-custodial party before attempting service again or refer the case to the Attorney.

3.05 Good Cause

Good Cause is defined by the federal Office of Child Support Enforcement as: *“a legal reason for which a Temporary Assistance to Needy Families (TANF) recipient is excused from cooperating with the child support enforcement process, such as past physical harm by the child’s father. It also includes situations where rape or incest resulted in the conception of the child and situations where the mother is considering placing the child for adoption.”* (Glossary. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.)

The MLB CSEP will work with child support participants who believe they meet one of the conditions above to obtain a determination of Good Cause when the situation meets the criteria.

Procedures

When a Case Manager has reason to believe there is Good Cause not to proceed with child support or paternity establishment or enforcement of an established case, the Case Manager will obtain supporting documentation from the case participant. Supporting documentation may include, but is not limited to:

1. Protective order(s)
2. Police report(s)
3. Hospital reports(s)
4. Social Service agency report(s)

After supporting documentation has been gathered, the Case Manager will refer the case file to the IV-D Director who will forward the documentation to the Tribal TANF Agency.

3.06 Participant Protection

If the Case Manager feels the whereabouts of one party or the child will be harmed physically or emotionally if any information is released to any other party, or if there is a Protective Order in place, no MLB CSEP staff member may release any information. If this is the case, the information and/or Protective Order should be documented in the case notes and/or the Protective Order maintained in Section 2 of the Case file.

The case must also be clearly marked “PARTICIPANT PROTECTION” on the front of the case file. Releasing any information about an individual that may put the adult or minor persons at risk for emotional harm and/or physical injury and/or death will result in disciplinary action or immediate termination pursuant to the Mille Lacs Band of Ojibwe Personnel Policy and Procedures and in compliance with 45 CFR 309.80(b)(2) and 45 CFR 309.80(b)(3).

3.07 Confidentiality

As a child support staff member, you have access to highly confidential information about clients, and depending on your position, to other staff members.

You will be required to sign a *Confidentiality Agreement* (Attachment A) signed with Human Resources. All MLB CSEP staff must adhere to confidentiality policies as prescribed in this policy and procedure manual in compliance with federal regulations.

Personal information received by or maintained by the MLB CSEP must be strictly limited to purposes directly connected with the administration of the MLB CSEP (Title IV-D) and/or in conjunction with the T.A.N.F program (Title IV-A), whether state or tribal; and Medicaid programs (Title XIX) pursuant to 45 CFR 309.80(a).

Unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, and/or to establish, modify and/or enforce child support orders may be grounds for disciplinary action or immediate termination pursuant to the Mille Lacs Band of Ojibwe Personnel Policy and Procedures.

Procedures

Never give information to someone who is not a participant of the child support case²:

1. When someone calls for information about a case, confirm their identity by asking for information only that person reasonably has access to such as a social security number and their date of birth.
2. If someone other than a participant on the case is requesting information, (i.e., the new spouse of either participant, a relative, care-giver, etc.) inform the person that it is our policy in compliance with federal law (45 CFR 309.80) that prohibits disclosure of information to them.
 - a) If the participant(s) in the case want to authorize the release of information to someone else, they must complete and submit a *Release of Information* form (Attachment B) PRIOR to our release of information to a non-participant of the case. This will be kept in the client's file until such time it is revoked, in writing, by the appropriate party.
 - b) Even with a *Release of Information* on file, remember that MLB CSEP staff members are restricted from divulging personal information regarding other clients in the case. If the client has authorized a representative to obtain information or documents, only case specific information regarding the child support case for which the release of information applies may be given.
3. If an agency other than Titles IV-A, IV-D, IV-E or XIX (i.e., ICW, housing authority, LIHEAP, etc.) are requesting child support case information, the participant for which they are requesting information about must sign a *Release of Information* form to

² A child support case is comprised of a custodial party (CP), a non-custodial party (NCP) and at least one child.

their agency and the agency, in turn, must submit a copy of the form to the child support agency prior to information being released.

4. *Release of Information* forms are usually valid for a specific period of time (i.e., 30-days, 60 days, 90 days, 6 months or 12 months) from the date of signing. MLB CSEP staff must check the expiration date on forms in client files before releasing information.

Child support staff shall never share information about anyone to anyone unless it is in the specific realm of your child support program job duties.

Use caution when discussing child support case information to other staff outside the privacy of your office (i.e., in public areas, when doors are ajar, in front of other clients, etc.).

3.08 Conflict of Interest

Working in a small office within a small community often contributes to issues of possible conflicts of interest when managing child support cases. MLB CSEP strictly adheres to Mille Lacs Band of Ojibwe's policies regarding conflict of interest. MLB CSEP staff must take an ethical and professional approach to handling cases where personal bias may influence actions. To avoid potential conflicts, MLB CSEP staff shall adhere to the following policies:

1. Inform your supervisor if you have a child support case with the MLB CSEP;
2. Under no circumstances should a staff member work on their own child support case;
3. If assigned a case involving a relative, former relative or close friend, it is in the staff member's best interest to request that the case be transferred to another Case Manager;
4. Never divulge case information to another person (i.e., spouse, boyfriend, girlfriend, relative, etc.) "as a favor" to them. Refer the inquiring party to their caseworker.
5. Never bring your work home with you by "venting" to a family member or significant other about a particular case or issue that you dealt with at work.
6. Case files must remain in the MLB CSEP office at all times with the exception of when the file is brought to hearings at the Tribal Court.

4.0 ADMINISTRATION AND MANAGEMENT

MLB CSEP shall follow all applicable Mille Lacs Band of Ojibwe laws and the Mille Lacs Band of Ojibwe Employee Policy and Procedures manual. The following information is supplemental or specific to MLB CSEP.

MLB CSEP is a department within the Executive Branch of the Mille Lacs Band of Ojibwe government, Department of Administration. The MLB CSEP IV-D Director reports directly to the Commissioner of Administration, who in turn reports directly to the Chief Executive.

MLB CSEP judicial hearings are under the jurisdiction of the Mille Lacs Band Tribal Court located in the lower level of the Mille Lacs Band Government Center.

Staff supervision is on-going with an open-door policy and evaluations will be conducted on a regular basis.

All new hires, promotions, and transfers of an employee will be subject to the MLB HR policies and procedures currently in effect at the time of hire, promotion or transfer.

4.01 Departmental Chain-of-Command

Every employee has the responsibility to follow the chain-of-command in the matter of a program suggestion, complaint or dispute. The chain-of-command process is as follows:

1. Discuss the issue with immediate supervisor. The supervisor will prepare a written summary documenting the suggestion, discussion or complaint, signed by both parties and submit it to next level in the chain-of-command.
2. If the issue is not or cannot be resolved with the immediate supervisor, the employee may seek aid resolving the issue from the next level in the chain-of-command.

Every employee has the right to continue the chain-of-command process and avail themselves of any other HR policy and procedure. At no time is a supervisor to discourage someone from using the chain-of-command.

4.02 MLB CSEP Program Staff

MLB CSEP child support staff members are responsible to assist the IV-D Director to assure the smooth operation of the MLB CSEP. Their duties are numerous and vary according to their specific position, but can include supervision of staff, attendance at meetings, and quality control of customer service. Respect and regard for the client's confidentiality is mandatory and each employee must sign a confidentiality agreement pursuant to Section 3.07 of this manual.

MLB CSEP staff members are cross-trained in many areas to ensure case work is handled efficiently and effectively. The term "Case Manager," when used throughout this Policy and Procedures Manual, is a general term meaning any staff member that is working on any phase of a child support case.

4.02.1 Tribal IV-D Director

The IV-D Director is responsible for directing and expanding all aspects of MLB CSEP as the administrative head. The IV-D Director shall be responsible for the overall administration of the child support program including but not limited to:

- Customer Service;
- Supervision of child support staff;
- Oversight of all case management activities;

- Maintaining program and fiscal statistics;
- All reporting requirements, both Tribal and federal;
- Development and oversight of program budget;
- Coordination of staff training and development;
- Coordination and/or oversight of development and distribution of informational materials;
- Coordination of outreach activities;
- Participation in tribal, state and/or federal meetings.

The IV-D Director also acts as a liaison between the MLB CSEP and all three branches of the Mille Lacs Band of Ojibwe tribal government.

4.02.2 Administrative Assistant

The Administrative Assistant's primary job duties are to directly assist the IV-D Director, answer the main phone line, greet the public, and oversee the general office operations.

General child support responsibilities of the Administrative Assistant include, but are not limited to:

- Customer Service;
- Processing the incoming and out-going mail;
- Maintaining all program logs (i.e., vehicle log application log);
- Accepting child support and paternity applications and Request for Review forms; and
- Building new child support and paternity case files and referring same files to the appropriate Case Manager.

4.02.3 Case Manager

The Case Manager is responsible for all case management activity including but not limited to:

- Regular monitoring and review of cases;
- Customer Service;
- Generating and processing client correspondence;
- Generating and processing court documents;
- Calculating child support obligations; and
- Preparing child support cases for Court;
- Inter-jurisdictional activities and tasks;
- May also include paternity establishment activities and tasks.

4.02.4 Financial Worker

The Financial Worker works in collaboration with the Tribal Accounting Department and IV-D Director and is responsible for all financial case management tasks including, but not limited to:

Maintaining and updating financial case management records using Excel, Microsoft Word and the Model Tribal system when it becomes available;
Allocating child support payments;
Posting child support payments to individual case accounts;
Maintaining case account debts and balances;
Calculating and generating Records of Payment;
Generating and processing Income Withholding Notices (IWN's); and
Closing out Case Accounts.

4.03 MLB CSEP Peripheral Staff

The MLB CSEP could not be a successful program without the services of other MLB departmental staff from Accounting Information Systems, Tribal Court and the Office of the Solicitor General. These staff members are *not* under the supervision of the MLB CSEP but provide services to the MLB CSEP program:

4.03.1 OMB

Staff from the Office of Management and Budgets (Commissioner; Accounts Payable Clerk; Accounts Receivable Clerk) collaborates with the MLB CSEP to process all child support checks. They are also responsible for tracking all program expenditures, completing and submitting SF269 Financial Reports.

4.03.2 Information Systems (IS) Department

Staff from the MLB-IS Department assists the MLB CSEP with the set up and maintenance of all office automation equipment. This includes maintaining the server for MLB CSEP and creation and retention of back-up tapes.

4.03.3 Tribal Court Staff

The Tribal Clerk of Court assists the MLB CSEP by accepting and filing all child support-related court documents; and records all child support and paternity hearings. The Court is responsible for drafting all resulting child support and paternity related orders following hearings.

The Tribal Court Judge(s) hear all child support and paternity case initiated by the MLB CSEP.

4.03.4 Office of the Solicitor General

The OSG has assigned an attorney to the MLB CSEP for assistance and guidance in all child support and paternity related matters. The attorney assists with review and supervision of legal documents and presents all MLB CSEP cases in Court.

MLB CSEP staff as well as all staff members from the other MLB departments are bonded against loss by the Tribe's insurance policy.

4.04 Professionalism

The MLB CSEP is founded on strong professional and personal ethics. A great deal of MLB CSEP work involves direct interaction with both customers and professional colleagues. Therefore, treat all people with courtesy and respect at all times. It is never acceptable to raise your voice, swear, slam phones or doors, or act in any non-professional or violent manner.

As a professional, it is also not acceptable to have customers or colleagues treat anyone disrespectfully. If there is a situation where a person is cursing or yelling, or in other way threatening anyone ask them to stop. If inappropriate comments are made on the phone, politely ask them to stop with a warning that the phone call will end if they do not stop. If the behavior continues, hang up the phone. If it is a person-to-person situation, respectfully ask them to stop. If they refuse to stop, inform them they can either leave or the police will be called. (If the conflict is with another staff member, you will want to request your supervisor's assistance first).

Call the police immediately in any situations that may lead to bodily harm. Call the police in any situation where their assistance will be beneficial in resolving the conflict in order to maintain a safe working environment; err on the side of caution.

4.05 Front Desk Coverage

The front desk must be staffed at all times during the workday.

The Administrative Assistant is responsible for answering and responding to telephone calls. He/she may also provide back up to the rest of the staff as needed during certain projects.

It is the responsibility of the Administrative Assistant to coordinate breaks, lunches, and scheduled absences with the Case Manager to assure full coverage of the front desk.

The Administrative Assistant will maintain a weekly schedule to ensure coverage and designate staff to work at the front desk in the event of unscheduled absences.

4.06 Telephone Calls

The Administrative Assistant is responsible for answering incoming calls on the MLB CSEP's main line.

4.07 Mail

The MLB CSEP Administrative Assistant will be responsible to process all incoming and out-going mail on a daily basis. Incoming mail is obtained from the upstairs mailroom of the Mille Lacs Band Government Center.

Outgoing mail can be put in the 'Out-Going Mail' basket in the Administrative Assistance's office and will be taken to the mail room before 3:00 p.m. each business day.

4.08 Computers

Most of the daily tasks and activities of the MLB CSEP is done on computers. Each child support staff will have a desktop computer available at their workstation. MLB CSEP computers are networked through a server to promote program efficiency.

MLB CSEP shall comply with the Mille Lacs Band of Ojibwe Computer Policy.

4.08.1 PC Password Policy

1. Passwords are to be kept confidential in order to provide the necessary means for the system to verify if a user is a legitimate user. Passwords should never be shared, displayed on-line or publicly divulged.
2. Passwords will be changed once every forty-five (45) days or sooner, if necessary.
3. Passwords and other sensitive information will not be given to third parties in a telephone conversation, or left written on a piece of paper in an unsecured place.

4.08.2 PC Workstation Policy

1. Workstations are not located within main entrances or high traffic areas. The purpose of this is to make it difficult for someone to view the screen from a doorway or window. The workstation location should always allow the user to maintain control of his/her workstation.
2. Lock or log off your unattended workstation when away in order to preserve confidentiality.
3. No personal files will be kept on any PC.

4.08.3 PC Backup Policy

The Mille Lacs Band of Ojibwe IS Department is responsible for all backup and recovery procedures performed on tribally owned PC's. All information is backed-up every night and back-up tapes are stored in a secured location.

Upon request, by authorized personnel, the IS Department will restore damaged or lost files from tape backup media.

4.08.4 Computer Network and Printer Problems

For computer related problems, fill out the Mille Lacs Band of Ojibwe Information Systems work order form and submit it to the Information Systems Department.

When they complete the work, they will fill out what steps they took to resolve the problem. They will then need signatures from the IS Staff person, the MLB CSEP staff member who requested the work, and the staff member's supervisor so he/she can be aware of the problem and resolution.

5.0 SAFEGUARDING

All information maintained by the MLB CSEP is handled with the utmost regard to privacy and confidentiality to comply with 45 CFR 309.80(b).

Child support files contain highly confidential information and the child support program abides strictly with tribal and federal confidentiality policies, procedures and requirements.

All file information is maintained on MLB CSEP share-drive as e-files as well as in hard copy form in the file room. Information received in the *Child Support Application* will be entered into the MLB CSEP Access Database. Case notes and financial record of payments along with copies of birth certificates, tribal enrollment numbers, social security cards, etc. are maintained in both physical and e-files.

The MLB CSEP file cabinet and file room must be locked at the end of each work day. It is the responsibility of the last staff member leaving the building to check all internal doors to make sure they are locked before exiting the building.

To assure that files are maintained securely within our program, staff must adhere to the following policies:

Procedures

5.01 Client Files

5.01.1 Physical Files:

- a. All child support case files are to be maintained in the lockable file cabinet in the child support office, out of easy-access to the general public;
- b. Files shall not be left laying around where a client might have access to them;
- c. Files shall never be taken home by staff;
- d. While staff are in the midst of actively working on files and have to leave the office, they shall place files in a designated secure drawer of their workstation or return the file to the file cabinet before leaving their workstation.

5.01.2 Electronic Files:

The MLB IS Department maintains secure servers for all MLB departmental information including the MLB CSEP.

- a. MLB CSEP maintains individual e-files for every client on the share drive;
- b. Each file is maintained chronologically by naming them by Docket Number and Client Name;

- c. Each client e-file folder includes sub-folders for Court Orders, IWO's and other supporting documentation as needed.

5.02 Program Information

All program information, including policies and procedures, pertinent tribal codes, budgets and relevant statistics for reporting purposes, are maintained by the IV-D Director in a secure file cabinet or as e-files stored on the secured server:

1. Only authorized staff have pass codes to access the information;
2. Only authorized staff may have access to the file.

6.0 RECORDS MAINTENANCE

There are numerous areas in child support enforcement in which records must be maintained pursuant to 45 CFR 309.85. Various case management activities, program activities, along with fiscal and statistical data must be recorded, tracked and maintained for a specified period of time. Furthermore, the MLB CSEP will be subject to auditing as general practice of the Mille Lacs Band of Ojibwe in administering the receipt and expenditures of federal funds.

6.01 Case Management Records

Until such time that an automated system is available, all case management records maintenance is the responsibility of the staff working the case beginning with the staff member who receives an *Application for Services* and creates a physical file for the case. All child support applications will remain in the clients file for the life of the case in accordance to 45 CFR 309.85(a)(1).

Additional records that will be maintained by MLB CSEP in the client's file may include but not limited to:

1. Enrollment Verification;
2. Copies of Birth Certificates;
3. Divorce Decrees;
4. Support Orders and/or modifications;
5. Custody Orders;
6. Paternity Orders;
7. Copies of Payroll Personal Action Notices (PPANs);
8. Payment Records;
9. Disbursement Records;
10. Case Notes;
11. Locate Records;
12. Client Correspondence; and
13. Case Closure Documents.

In addition to the retention and maintenance of all documents, whether hard copies; or soft copies managed in Word, Excel, Access or similar applications; all actions taken on cases will be documented by the responsible staff member and recorded in the client file.

Documentation will include actions taken to locate a custodial or non-custodial party and their income and assets; actions taken to establish paternity and child support, actions taken for enforcement or modifications. Documentation includes noting details of letters sent, documents served, court hearings scheduled and disposed, phone contacts, appointments and face-to-face conversations with clients. All entries into case notes will be initiated by the Case Manager entering the information.

6.01.1 Case Management Fiscal Records

All fiscal case management activity will be precisely maintained pursuant to 45 CFR 309.85(a)(4) and will include:

- Tracking the amount of child support owed and to who;
- Amount of arrearages as they accrue and to who they are owed;
- Amount of money collected for each debt, and
- The source of collection (i.e., wage withholding, cash payments, non-cash support, tax intercepts, etc.);
- Records of distribution will be precisely maintained; and
- All disbursements will be precisely maintained.

6.02 Fiscal Program Records

OMB is responsible to maintain records of all program revenue and expenditures. They will complete the federal SF 269 Report within the federal reporting requirement timeframes as required by 45 CFR 309.130(b)(3). Although not required by the federal regulations, as a courtesy, all reports will be submitted electronically to the Office of Child Support Enforcement via the OLDC (Online Data collection) system with a copy provided to the IV-D Director via electronic or inter-office mail.

6.02.1 Expenditures

The IV-D Director will collaborate with OMB to track all program expenditures for each month to assure fiscal responsibility and in keeping within the approved budget for each funding period.

Each month the Office of Management and Budgets will provide the IV-D Director with a Grants and Contracts Analysis statement that will be reconciled with the MLB CSEP's records of expenditures.

6.02.2 Fees Charged and Collected

The IV-D Director, Financial Specialist and Tribal Accounting Department are responsible to track and maintain all records for the MLB CSEP.

The Financial Specialist will track all fees charged and all fees collected using an Excel or other comparable database, and provide the IV-D Director with the data on a regularly scheduled basis, as determined by the IV-D Director.

The IV-D Director will collaborate with, and provide financial statistical data to, the Accounting Department so the information may be included on the SF 269 Report prior to submission to the federal OCSE.

6.02.3 Statistical, Fiscal and Other Records

Until such time that a tribal automated system is available that will automatically track all statistical and fiscal records of paternity and child support cases, the IV-D Director, with staff assistance will be responsible to manually collect and track all case management statistics.

Data collection and tracking will be accomplished using non-proprietary software available through Microsoft Word, Excel and or Access. All child support staff will be held responsible to enter correct data throughout their daily case management activities. All data will be submitted to the IV-D Director on a monthly basis by all program staff. The IV-D Director will be responsible to compile all the data for reporting and submission on the OCSE-34A report pursuant to 45 CFR 309.130(b)(4).

Throughout this manual are references to policies in specific areas concerning the maintenance of case management activities. Pursuant to 45 CFR 309.85(b) all child support program records will be retained for a minimum of three (3) years by the MLB CSEP and the Mille Lacs Band of Ojibwe Accounting Department.

7.0 CASE INITIATION

Child support cases are comprised of a custodial party (CP), non-custodial party (NCP) and at least one child.

Child support cases are initiated in two (2) ways:

1. Application for services (MLB CSEP application); or
2. Referrals for services by another agency such as a tribal IV-D program, state child support agency, State of Minnesota, court system or ICW.

Applications, along with program information, will be available to anyone requesting child support and/or paternity establishment services, modifications, enforcement of child support or locate services.

Any person may request an application directly from the MLB CSEP office located in the lower level of the government center or they may request an application be mailed to them. In addition

to this method, child support applications will be available at the Tribal Court, Housing, and Tribal TANF Offices. MLB CSEP does not charge application fees.

MLB CSEP must provide applications to any person who requests one; even if the MLB CSEP staff member knows the case does not fall into the Tribe's jurisdiction. Once an application is received it will be reviewed for completeness and accuracy by the MLB CSEP Administrative Assistant.

MLB CSEP accepts all applications or referrals and promptly provides child support services to all applicants pursuant to 45 CFR 309.65(a)(2). Applicants who are under the jurisdiction of the Mille Lacs Band or who are willing to stipulate to the Mille Lacs Band's jurisdiction will continue to be processed through MLB CSEP office.

Applications of participants that do not meet the jurisdictional guidelines or who will not stipulate to the Mille Lacs Band's jurisdiction will be referred to the IV-D Director.

Should the case not fall under the Mille Lac Band's jurisdiction, the IV-D Director will forward the application for services to the appropriate State Central Registry or Tribal child support agency using Inter-Jurisdictional Transmittal #1. A letter will also be sent to the Applicant notifying them of the reason for referral and the contact information of the agency their case has been referred to.

The Administrative Assistant will also verify if family/domestic violence is an issue and mark the case file "PARTICIPANT PROTECTION". Copies of all Order's for Protection (OFP) and Harassment Restraining Orders (HRO) must be in file.

7.01 Application

Supporting documentation must be submitted along with the completed application. Copies of documentation may be submitted with mailed in applications, however, certified documents may be required by MLB CSEP at the time of the initial child support appointment. Documentation includes, but is not limited to:

1. Government issued photo identification (i.e., driver's license, state ID, military ID, tribal enrollment card, CDIB card, etc.);
2. Copy of child(ren)'s birth certificate(s);
3. Copies of CP and child(ren)'s social security cards'
4. Children's enrollment numbers;
5. Copy of paternity affidavit, if applicable;
6. Copies of all pertinent orders;
7. Copies of any OFPs and HROs, if applicable.

Applicant must sign the application to provide verification of their understanding and approval of MLB CSEP services.

7.02 Referral

Any time a custodial party receives public assistance benefits for a child, the agency providing the benefit may be required by federal mandates to make a referral to the appropriate child support agency.

When a child support case is opened based on a referral from any of the following programs the custodial party is required to cooperate or jeopardize losing benefits of the referring program and/or face legal consequences. Referrals may be received from the following agencies:

1. State or Tribal TANF (IV-A)
2. State or Tribal Child Support (IV-D)
3. State or Tribal Foster Care (IV-E)
4. Medicaid (Title XIX)

The MLB CSEP will follow the Work Plan developed between the State of Minnesota and the Mille Lacs Band when dealing with referrals and transfers from the State.

7.03 Case Assessment

When the child support office receives a completed application or a referral from another agency it is date stamped and processed by the Administrative Assistant in the order in which it was received.

The Administrative Assistant will:

1. Review the application/referral to ensure it has been filled out as completely and accurately as possible;
2. Ensure that all required documentation has been submitted with the application;
3. Check the MLB CSEP Access database for existing cases using either the client's name or social security number;
4. Cross-reference the client's name and/or social security number in the State of Minnesota's PRISM system to check for existing cases;
5. Determine whether or not MLB CSEP has potential jurisdiction on the case by verifying all the parties' county of residence, tribal affiliation and existing court orders and the non-custodial party's employer;
 - a. If the case falls within the jurisdiction of MLB CSEP the Administrative Assistant will continue with Case Initiation;
 - b. If the parties are not within the jurisdiction the case file will be given to the IV-D Director per Section 7.0.

7.04 Creating a Case

The Administrative Assistant will determine what type of child support case will be opened depending on the services requested and by whom.

The Administrative Assistant will:

1. Identify an existing case and case number; or
2. Create a new case number for the case.
3. Create a physical case file using the appropriate color file
Blue-Child Support;
Yellow-Paternity
Green-Enforcement Only
Red-Participant Protection
Black-TANF
File Label:

NCP Last Name, First Name	IV-D Case No.
CP Last Name, First Name	Court Case No.

Write the MLB CSEP case number on the outside bottom of the file in black marker. Please print legibly.

4. Create or update a case in the MLB CSEP Access Database.
5. Organization of Physical File:
Information in each section will be maintained in chronological order oldest on bottom to newest on top:

Section I:

Applications for Services
Requests for Review
Enrollment Verification
Current Information Sheet

Section II:

Orders

Section III:

Motions
Summons and Petitions
Requests for Personal Service/Affidavits

Section IV:

DNA Tests
Account Statements

Section V:

Income Verifications
Income Withholding Orders
Financial Disclosures

Section VI:
Correspondence

7.05 Case Assignment

After the case files have been created, the Administrative Assistant will refer the case to the appropriate Case Manager to begin the establishment or enforcement case management.

Occasionally additional information may be requested from the Applicant. When they are submitting the application in person, the Case Manager may review the *Application for Services* with them at that time. However, if the application was received in the mail and additional information is necessary to start action on the case the Case Manager can attempt to contact the applicant telephonically or by sending a contact letter to them requesting the necessary information.

8.0 LOCATE

Often times, before a Case Manager can proceed to the next phase of case management, one or both of the participants in the case need to be located and/or additional information must be found. This can include locating a physical address or mailing address, verifying enrollment, identifying an employer, obtaining wage information and identifying assets.

It is very difficult to proceed with the establishment or enforcement of a case if current locate information on any of the case participants is missing. Therefore, the MLB CSEP will use all available sources of information and records reasonably available to them.

All locate attempts made by the Case Manager must be clearly documented, per 45 CFR 309.85(a)(2), in the case file and/or database indicating the date, time, type of locate effort made and the locate results.

Procedures

1. PRISM is the State of Minnesota's automated child support system. MLB CSEP has "view only" access to this system pursuant to an agreement with the State. The Case Manager can view the appropriate screens to get the desired participant information. If the participant is not in PRISM the Case Manager will utilize other locate methods before submitting a manual locate request to the MN-CSED.
2. Telephone: There are numerous resources available to assist in the location of case participants. The easiest and quickest locate tool is your telephone. Before attempting to use other locate tools, try contacting the parties to obtain locate information.
3. Letters: There are a variety of locate letters that are maintained in the MLB CSEP's document file in the share drive.

Locate form letters include, but are not limited to, the following letters requesting locate information:

- Postmaster Verification
- Employment Verification
- Enrollment Verification

4. Tribal Locate Sources:

If the above letters do not result in successful locate of participants, the Case Manager can request information, either written or verbally, to any or all of the following:

- Tribal Housing Authority
- Tribal Police Department
- Tribal Census Bureau
- Tribal Accounting
- Tribal Utilities
- Relative or friend of the parent
- State or local jail facilities
- Employers

5. Internet Links

Another excellent and easy locate tool is your desktop computer and internet connection. There are numerous sites where you can find information such as phone numbers and/or addresses.

6. Quick Locate

Until such time that the Tribe has direct access to the Federal Parent Locator Service (FPLS), the MLB CSEP may submit requests for locating custodial and non-custodial parties to a IV-D agency using an Inter-jurisdictional Quick Locate form sent to the Central Registry in the state of the participant's last know residency. Through the State's Parent Locator Service (SPLS) or the FPLS, the Case Manager may be able to obtain information that will assist in identifying and/or locating information on the non-custodial party's wage, tax information, bank information, and unemployment and/or disability benefits.

It may take up to thirty (30) days for MLB CSEP to receive a response. The Case Manger should set a Task in Outlook for thirty (30) days to see if a response has been received. If not, a second request should be made utilizing the same Locate Form.

9.0 PATERNITY ESTABLISHMENT

The purpose of this chapter is to ensure that all children living within the boundaries of the Mille Lacs Band jurisdiction has an identified father through the paternity establishment process pursuant to MLBSA Title 8, Chapter 12, Subchapter II. Having an identified father protects the

best interest of all children regarding such matters as customs and traditions of the tribe, survivorship and inheritance, health, support, and social security benefits.

MLB CSEP can only establish paternity for children under the age of twenty-one (21) years of age pursuant to MLBSA, Title 8, Chapter 12, Sub-Chapter I, Section 2003.

(a) **Presumption of Paternity.** Pursuant to MLBSA Title 8, Chapter 12, Subchapter II, Section 2034(h): *A man is presumed to be the biological father of a child if he and the biological mother were married at the time of the child's birth or if the child was born within three hundred (300) days after the marriage was terminated. The presumption can only be overcome by genetic testing proving another man is the father by a statistical probability of ninety-two percent (92%).*

However, if the mother is not married, the child does not have a legal father and paternity may be established to assure the child has the same rights and support as a child born within a marriage.

Pursuant to Minnesota Statutes, Chapter 257 (*Children; Custody, Legitimacy*); Section 257.541 (*Custody and Parenting Time With Children Born Outside of Marriage*); Subdivision 1: ***Mother's right to custody:*** *The biological mother of a child born to a mother who was not married to the child's father when the child was born and was not married to the child's father when the child was conceived has sole custody of the child until paternity has been established under (Minnesota Statutes) sections 257.51 to 257.74, or until custody is determined in a separate proceeding under (Minnesota Statutes) section 518.156.*

There are several ways to establish paternity. The method will be determined on the cooperation of both parents and/or the circumstances surrounding the conception and birth of the child.

Often times, the applicant can provide information on whether or not the other party will cooperate prior to the Case Manager contacting him. Cooperation by both parties can expedite the paternity establishment process.

Whenever appropriate, MLB CSEP will contact both parties to see if paternity can be established via a Stipulation for genetic testing or if the parties wish to utilize the voluntary acknowledgement of paternity process by signing a Recognition of Parentage form.

Procedures

If the case was received via referral from another agency, the Case Manager will contact the mother to schedule an appointment to gather information

If the MLB CSEP receives the case via a request for services by the mother or the alleged father, the interview can be conducted the same day she/he is in the child support office to submit the application.

9.01 Initial Appointment

Information obtained during the initial interview with the applicant and her/his completion of a signed and notarized *Paternity Affidavit* will assist the Case Manager in determining the

next step. An affidavit of paternity is a legal document that the applicant signs, under oath, alleging paternity and setting forth the facts establishing a reasonable possibility of the requisite sexual contact between the parties.

Paternity can be established by:

1. Recognition of Paternity
2. Adjudication

In compliance with 45 CFR 309.100(b), the MLB CSEP will not attempt to establish paternity in any case involving incest or forcible rape, or if adoption is pending, if, in the opinion of the MLB CSEP or the Court that it would not be in the best interest of the child to establish paternity.

When a Case Manager has reason to believe that the case should not proceed due to an adoption or incident of incest or forcible rape, the Case Manager will obtain supporting documentation from the case participant when available. Supporting documentation may include, but is not limited to:

1. Court orders regarding adoption;
2. Adoption Decrees;
3. Police report(s);
4. Hospital reports(s);
5. Social Service agency report(s).

After supporting documentation has been gathered, the Case Manager will refer the case file to the IV-D Director for review and assessment and approval to close the case.

9.02 Voluntary Acknowledgement of Paternity

Federal mandates require that all states provide unwed parents the opportunity for the alleged father to voluntarily admit paternity. To establish legal paternity for a child born out-of-wedlock in the State of Minnesota, a *Recognition of Paternity* must be signed and notarized by the mother and alleged father. If the child was born in a different state, the Case Manager can assist the parents in obtaining information and/or voluntary acknowledgement of paternity forms from that state.

In addition, the Mille Lacs Band Statutes Annotated also provide for the voluntary recognition of paternity pursuant to Chapter 12, Subchapter II; Section 2035(a) and (f) via a MLB form for recognition of paternity which must be signed and notarized by both parties who are alleging paternity of a child.

Both the MLB Recognition of Paternity forms and the Minnesota Recognition of Paternity forms are available at the MLB CSEP's office pursuant to 45 CFR 309.100(a)(2). All child support staff will explain the voluntary paternity acknowledgment process in its entirety to new unwed parents, including their rights and responsibilities and the legal

ramifications of completing the form and the option of requesting genetic testing prior to completing the form. There is a fee that the State of Minnesota assesses to amend the birth certificate should the parents chose to sign the state acknowledgment form. MLB CSEP will pay for this fee, and recover from one or both parents.

It is standard practice of the MLB CSEP to urge mothers and alleged fathers to submit to genetic testing in situations where either of the parties has even the slightest doubt regarding the paternity of the child. Once genetic test results have been received, the parties can confidently complete a *Recognition of Paternity* form.

If paternity has already been established via a *Recognition of Paternity* form signed in the hospital, the MLB CSEP will not pursue paternity establishment or paternity dis-establishment unless the parties can provide proof of mistake of fact within the State of Minnesota's time frame of sixty (60) days after signing.

Requests to revoke a voluntary recognition of paternity filed with the MLB Court must be submitted in writing, signed by the mother or father before a notary public and filed with the Court within the earlier of sixty (60) days after the recognition is executed or the date of a hearing in an action relating to the child in which the revoking party is a party. A joinder in a recognition may be revoked in a writing signed by the man who executed the joinder and filed with the Court within 60 days after the joinder is executed.

A request to rescind a State of Minnesota *Recognition of Paternity* must be filed with the State of Minnesota pursuant to the State's procedures and a copy filed with the Tribal Court.

Pursuant to MLBSA Title 8, Chapter 12, Subchapter II, Section 2035(d): Voluntary recognition of paternity has the force and effect of a judgment or order determining the existence of the parent-child relationship, is determinative for all purposes related to the existence of the parent and child relationship, and is entitled to full faith and credit in other jurisdictions.

9.03 Paternity Adjudication

If the parties do not wish to sign a voluntary recognition of paternity MLB CSEP can take action to legally establish paternity. The Case Manger should first contact both parents to see if they are willing to stipulate to genetic testing. If the parties agree, the Case Manger will prepare a Stipulation and Order for Genetic Testing and arrange to have both parties sign the Stipulation. After both signatures have been obtained, the Stipulation and Order will be submitted to the Tribal Court for acceptance.

If the parties cannot stipulate to genetic testing within fourteen (14) days of receipt of the Paternity Application, the Case Manger shall:

1. Generate a petition and summons;
2. Submit legal documents to OSG for review, approval and signature;
3. File legal documents with the Tribal Court;

4. Submit the documents to the appropriate process server;
5. Set a task reminder to check for responding party's response;
6. Prepare the file for court hearing and submit to the MLB CSEP Attorney for review and case preparation.

Pursuant to the Federal Rules of Civil Procedure, all parties to a paternity action must be served within 120 days after the complaint is filed.

Paternity proceedings shall be closed and all records shall be sealed except as ordered by the Court for the purpose of requesting an amended birth certificate, or for any purpose consistent with the best interest of the child.

Any of the parties may request genetic testing at any time during the paternity establishment process.

The Court will make a final determination of paternity based on all testimony and/or evidence provided during the course of the proceedings. When paternity has been established, the Court may also enter an order for financial child support and/or other obligations and associated costs.

If an order has been issued adjudicating the man as the father MLB CSEP Case Manager shall complete the required State of Minnesota Vital Record Amendment Form, request a filing fee for the amendment to OMB and send the required form and payment to the State of Minnesota Vital Records Department.

9.04 Genetic Testing

Each member of the MLB CSEP team will be certified as buccal swab collectors with Laboratory Corporation of American Holdings. The Case Manager or designated child support staff member will obtain the DNA samples in the office whenever possible.

The MLB CSEP contracts with Laboratory Corporation of American Holdings an accredited genetic testing facility as required by 45 CFR 309.100(c) and the staff are certified in buccal swab DNA sample collection.

The costs for genetic testing will be paid for by the MLB CSEP who will seek reimbursement. The Court has the option to order both mother and father to pay their share of the cost and divide the cost of the child's fee 50/50 or as the Court deems appropriate. For indigent participants, the Court can waive the reimbursements of the genetic testing costs that are owed to the MLB CSEP.

The requirements of 45 CFR 309.100(d) indicate that paternity establishment has no effect on tribal enrollment or membership.

Procedures

The Case Manager will follow the process established by the genetic testing company to obtain the proper chain of command documents, DNA sample and submission to the genetic testing laboratory via Federal Express.

10.0 SUPPORT ORDER ESTABLISHMENT

In conjunction with the paternity establishment process or in cases where paternity has already been established, the Case Manager will proceed with establishing an order for support pursuant to MLBSA, Title 8 Chapter 12; Subchapter I. In addition to a financial child support obligation the order may include an order for medical, hospital, dental and vision health care coverage and day care expenses. The order may include additional provisions including the reimbursement of court associated fees.

An order establishing a child support obligation can be obtained by:

1. Stipulation and Order;
2. Court Hearing

10.01 Stipulation and Order

The Case Manger should first contact both parents to see if they are willing to stipulate to child support provided that they are both represented by independent counsel. If the parties agree, the Case Manger will prepare a Stipulation and Order for Child Support and arrange to have both parties sign the Stipulation after it has been reviewed and approved by their counsel. After both signatures have been obtained, the Stipulation and Order will be submitted to the Tribal Court for acceptance.

10.02 Tribal Court

When the parties are unable to come to an agreement on the terms of the child support obligation after meeting with the Case Manager, or the other party is uncooperative from the beginning, the Case Manager will proceed with legal action by scheduling a court hearing and generating the following documents:

1. Summons
2. Petition
3. Financial Affidavit

The Case Manager will submit the documents to the MLB CSEP Attorney for review, approval and signature and then to the Clerk of Court for filing.

Prior to the Court hearing the Case Manager will prepare the file for the hearing by generating a brief case summary and a child support calculation summary using the MLB CSEP child support guidelines.

The MLB CSEP's Attorney will present the case to the Court at the scheduled hearing and will request the Court enter an order for:

1. Financial Support that specifies the amount of child support; the frequency of the obligation and the commencement date of the obligation; and/or
2. In addition to the amount obligated for current support, in the event that arrears are owed, an additional amount will be requested to be applied toward the arrears; and/or
3. Other obligations as requested by either party, the MLB CSEP or the Court.

In addition to the obligations and provisions specific to each case, court orders will include, but are not limited to, standard language regarding income withholding, possible enforcement measures if the non-custodial party fails to comply with the order and instructions to keep the MLB CSEP and the Court informed of changes in address or employer within a prescribed amount of time.

Following the court hearing wherein a child support obligation was ordered, the MLB CSEP Clerk of Court will:

1. Generate the required court documents;
2. Obtain the Judges signature;
3. File documents;
4. Provide a copy of the order to the MLB CSEP; and
5. Mail certified copies of orders to all parties.

Upon receipt of the new order, the Financial Worker will:

1. Update all information in the child support e-file and/or Excel Case Account database;
2. Add/update all financial obligation information in the physical case file;
3. Generate and submit an Income Withholding Notice to the non-custodial party's employer following the procedures in Section 13.01;
4. File a copy of the Income Withholding Notice in the Case File, Section V..

11.0 OBLIGATION GUIDELINES

The MLB CSEP follows the Child Support Guidelines as established in MLBSA Title 8, Chapter 12, Subchapter I, Section 2014. The Guidelines are based on a proportionate share of the Parents' combined monthly Income for determining Child Support (PICS) unless otherwise agreed upon by the parties and approved by the Court.

The Guidelines that were established in 2010 will be reviewed at least once every four (4) years by the MLB CSEP to assure they meet the needs of the Mille Lacs Band of Ojibwe families.

The Guidelines take into account the needs of the child and the earnings and income of the both parties. The computations for financial obligations are based on specific and numeric criteria and are a rebuttable presumption to be used in all cases when establishing or modifying a child support obligation.

11.01 Non-Cash Support

The MLB CSEP and Tribal Court will also acknowledge and consider the customs and traditions of the Mille Lacs Band of Ojibwe when calculating and establishing support orders. As a result, the Tribal Court, pursuant to MLBSA, Title 8, Chapter 12; Subchapter I, Section 2015 may order non-cash support to satisfy up to fifty percent (50%) of the obligor's child support obligation under certain circumstances.

The obligor and obligee must agree to the type of non-cash support that will be provided and the extent to which it will satisfy the obligor's child support obligation. The Court must approve the provision of non-cash support in a written order that states the specific dollar amount of the obligor's total child support obligation and describes the type(s) of non-cash support that will be provided.

A non-cash support obligation can only be used to satisfy current child support owed to the custodial party and must be assigned a specific monetary value.

Non-cash support is not permitted to satisfy current or past due support obligations that have been assigned to the state.

The sources of non-cash obligations that will be considered may include furnishing wood suitable for residential heating purposes; or food including deer, fish, and wild rice.

11.02 Deviation from Standard

Occasionally the parties in a child support case come to an agreement between themselves for the amount of child support the non-custodial party will contribute to the care of the child(ren); or the Court may order an amount higher or lower than what the Child Support Guidelines indicate; or a non-cash obligation is allowed.

In any situation when the ordered amount deviates from the amount calculated based on the non-custodial party's income, and following the Child Support Guidelines, the order must indicate the actual amount due based on the calculation, the deviated amount, and the reason for the deviation.

11.03 Obligations to Include in Orders

Whether establishing a paternity order and/or a child support order, standard practice is to include various obligations as required, necessary or available to serve the best interest of the child.

The Case Manager should use the following list as a standard guideline for possible provisions to ask for when preparing a case for the Attorney to present to the Court:

1. Child Support and child support arrears (if any)
2. Health Insurance:
3. Child Care Costs:
4. Service of Process Fees:
5. Income Withholding Order/Notice (IWO/N):
6. Tax Exemptions:

Paternity Cases:

In addition to all the above issues that may need to be addressed in a paternity case, the Case Manager may also include requests for the order to include the following:

7. Genetic Test Costs:
8. Vital Statistics Fee:

11.04 Record Retention

Whether establishing paternity, an order for support, or both, the MLB CSEP staff must maintain record of all tasks, events, correspondence and resulting court orders pursuant to 45 CFR 309.85(a)(3). In addition, the due process rights of individuals must be protected.

12.0 FINANCE

Financial case management is specific to all aspects of the child support case concerning the receipt, distribution and disbursement of child support monies for each case as prescribed in 45 CFR 309.(12). Until such time that MLB CSEP has access to the Model Tribal System (MTS) Excel spreadsheets will be used for accounts receivable and payable to track all tasks required for processing payments.

Financial case management tasks include, but are not limited to:

1. Preparing records of payment prior to court hearings;
2. Reviewing all financial documents and court orders for accuracy;
3. Entering obligation amounts into the database along with effective dates and frequency of the obligation for:
 - a. New orders; and

- b. Modifications
4. Calculating arrears each month;
 5. Processing payments received;
 6. Distributing payments across cases;
 7. Processing payments to be disbursed;
 8. Monitoring financial records on each case;
 9. Preparing records of payment as required following court hearings, when necessary;
 10. Notifying Case Manager of cases that are thirty (30) days in arrears and that need enforcement action;
 11. Providing annual notices of collections to families receiving IV-D services, or preparing notices at the request of a case participant.

12.01 General Financial Case Management

Upon receipt of a new or modified order, the Financial Specialist will update the case file financial spreadsheet with the order information.

The Financial Worker will review the order and record the following:

1. Amount and/or types of obligations as listed;
2. Date obligations are to commence;
3. Frequency of payments
4. Amount of arrears/judgments.
5. Income withholding was ordered or that the order includes language to implement income withholding under particular conditions.
6. Health care costs (medical, hospital, dental and vision)
7. Daycare Costs
8. Any other fee or cost imposed under the Court Order

12.02 General Financial Procedures and Separation of Duties

To assure the integrity of the MLB CSEP accounting procedures for the processing of support collections, a separation of duties prohibits one individual from handling more than one aspect of receipting, disbursing, distributing and depositing of support collections in sequence.

1. Receipt: The Administrative Assistant will receipt all payments submitted to the MLB CSEP whether by mail or in person.

Payments may be made in person at the child support office; or mailed to the program at:

Mille Lacs Band Tribal Child Support Enforcement
43408 Oodena Dr.
Onamia, MN 56359

2. Distribution: The Financial Worker will prepare a deposit form and submit all payments to the MLB Office of Management and Budget;

3. **Allocation:** The Financial Worker will allocate all payments across cases; and update all case financial spreadsheets.
- a. Collections of child support will be applied to satisfy current support obligations first, except monies collected through the Federal Income Tax Offset, which will be applied to arrearages first.;
 - b. In circumstances where a person is the non-custodial party on more than one case, monies will be allocated across all current support cases by prorating where the non-custodial party owes current support.

All support collected will be paid directly to the family unless the case is restricted by 45 CFR 309.115(a)(2) as follows:

- a. **Current Receipt of Tribal TANF³:**
 - i. The Mille Lacs Band of Ojibwe administers its own TANF program providing cash assistance to qualified applicants that reside within the TANF service area.
 - ii. There is a request for assistance in collecting support on behalf of the family from another State or Tribal IV-D agency.

When the MLB CSEP receives such a request, the Financial Worker will disburse the money for that child support case, not to exceed the monthly amount of TANF paid to the family, to the requesting IV-D agency for distribution under their respective regulations.

- b. **Former Receipt of Tribal TANF**
If a family formerly received TANF benefits from another Tribe or State program where there was an assignment of support rights that are in arrears; and the IV-D agency of that Tribe or State requests assistance in the collection of those arrears from the MLB CSEP; pursuant to 45 CFR 309.115(c)(2), the child support office will distribute support collections as follows:

- i. Current support paid to the family;
- ii. Arrears paid to the family;
- iii. Arrears paid to the requesting Tribal or State IV-D agency.

If the TANF is being paid by the State of Minnesota, all payments will be sent to the State of Minnesota Disbursement Unit, who will record the payment in PRISM. The State of Minnesota will, within forty-eight (48) hours, send the payment back to MLB CSEP for distribution to the family.

If the TANF is being paid by another State or Tribe, that agency is responsible to distribute and disburse the payment according to their individual guidelines.

³ Temporary Assistance to Needy Families is a public assistance program that provides monetary support to qualifying families. It replaced the Aid to Families with Dependent Children (AFDC) program in 1996 under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

c. **Requests for Assistance from State of Tribal IV-D Agency:**

When the MLB CSEP receives a request to assist in the collection of support, on behalf of the family, from another Tribal IV-D or a State IV-D agency, the MLB CSEP will distribute all support collected for that case to the requesting agency. See Section (b)(iii) above if this is the State of Minnesota.

After child support checks have been generated by OMB and returned to the MLB CSEP for disbursement, the Financial Worker will reconcile the checks with the case accounts for accuracy.

4. **Deposit:** OMB will provide the Financial Worker with a receipt for the amount of payments submitted and will generate the checks made payable to the identified Obligee pursuant to the MLB CSEP deposit form. All completed checks will be submitted to the MLB CSEP for disbursement;
5. **Disbursement:** The Administrative Assistant will make a copy of all checks received from OMB and submit them to the Financial Worker for reconciliation. All checks will be enveloped and mailed via the U.S. Postal Services.

OMB will provide the MLB CSEP with a weekly printout of all the checks written and the Financial Worker will reconcile the printout with the case account statements.

12.03 Financial Statements

Financial statistics, along with case statistics and other required program records will be maintained and retained by the IV-D Director, and submitted by same, on a quarterly basis to the federal Office of Child Support Enforcement (OCSE) pursuant to 45 CFR 309.85(a)(7) and 309.85(a)(7)(b).

12.04 Annual Notices of Collections

Annual Notices of Collection will be prepared and distributed by the Financial Worker to all families receiving IV-D services through the MLB CSEP.

Beginning the first business day after January 1 of each calendar year, the Financial Worker will prepare *Annual Notices of Collection* for the previous calendar year for each child support case being managed by the MLB CSEP.

Each *Annual Notices of Collection* will be itemized by month of collection and include debt categories and amounts along with the total amount collected for the calendar year.

Annual Notices of Collection will be mailed to each party receiving or making child support payments through the MLB CSEP via regular US Postal mail.

Annual Notices of Collection will also be made available at any time, upon request of either the custodial or non-custodial party. Upon receipt of a request for an *Annual*

Notices of Collection, the Financial Worker will prepare the statement within ten (10) business days of the request. The *Notice* will be mailed to the requesting party via regular US Postal service. To expedite the receipt of the *Notice*, the requesting party will be permitted to pick up the completed Notice at the MLB CSEP office.

13.0 ENFORCEMENT

The most effective and efficient method of child support enforcement is the utilization of an Income Withholding Order/Notice. When child support obligations are being met, and payments are being submitted on time and in the appropriate amounts, there is little work to do on the case.

However, when the non-custodial party misses payments or fails to make full payments, the case moves to the enforcement phase.

There are methods to utilize when enforcing a support obligation and the MLB CSEP will follow a sequence of enforcement options.

13.01 Income Withholding

The MLB CSEP, pursuant to MLBSA Title 8, Chapter 12, Subchapter III, Section 2052 will not withhold income utilizing the income withholding procedures where either party demonstrates, and the Court finds that there is good cause not to require income withholding or if the parties sign a written agreement that provides for an alternative to income withholding and the Court approves it.

In cases where an income withholding order was not issued, one will be issued when a payor fails to pay child support equal to the amount due for one month.

The MLB CSEP in accordance with the federal regulations (45 CFR 309.65(11)) has the following procedures for income withholding:

The MLB CSEP, in following the child support laws and the policies and procedures of the child support guidelines, an absent parent who is obligated to provide financial support for minor children will be ordered to have a specific amount of money withheld from their income on a regular basis that coincides with the payment schedule of their income source.

In addition to withholding for current child support, an additional amount not to exceed twenty percent (20%) of the current monthly obligation will be withheld and applied toward arrears until all arrears are paid in full.

Federal laws restrict the amount of money that can be withheld from a person's income to protect people from having their entire wages withheld for debts. The Consumer Credit Protection Act is one such law that restricts the amount of income an employer may withhold from any one pay period.

Therefore, pursuant to MLBSA Title 8, Chapter 12, Subchapter III, Section 2054(d), the MLB CSEP will not request that an employer withhold more than allowed under the Consumer Credit Protection Act allows of a person's disposable (net) income from any one pay period to meet an obligation for current support and/or arrears.

After the financial records of the file have been added and/or updated, the Financial Worker will generate an Income Withholding Order/Notice (IWO/N), if so ordered, and will send it to the non-custodial party's employer; mail a copy to the non-custodial party; and place another copy in the child support file.

In compliance with 45 CFR 309.110(l), the MLB CSEP will use the federal Income Withholding Order/Notice (IWO/N) form.

Employers are required to honor the Income Withholding Order/Notice pursuant to MLBSA, Title 8, Chapter 12 Subchapter III, Section 2052 and in compliance with 45 CFR 309.110(g). In addition, the IWO/N advises employers of their liability for failure to withhold as indicated in the order.

If an employer has failed to remit withheld amounts to the MLB CSEP within the timeframe instructed on the IWO/N, the Financial Worker will contact the employer to inquire why they have not sent remittance. In most circumstances the issue can be resolved with a phone call but in the event that it cannot, the Financial Worker will refer the matter to the IV-D Director and/or TCSE Attorney.

The IV-D Director will attempt to resolve the matter by contacting the employer again. If the issue cannot be resolved, the IV-D Director will consult with OSG for consideration of possible legal action, which could result in sanctions and/or fines against the employer.

It is against MLBSA, Title 8, Chapter 12, Subchapter III, Section 2054(b) and in accordance with 45 CFR 309.110(k) for any employer to refuse employment to a non-custodial party; discharge a non-custodial party from employment; or take disciplinary action against someone because of a withholding order against them. Employers found guilty of such charges may be subject to fines as determined by the Court.

Employers are instructed to remit withheld amounts each pay period for the duration of the non-custodial party's employment with them or until the IWO is terminated.

An obligor has twenty (20) days to dispute an Income Withholding Order and must move the Court within that time frame to deny or request a change in the amount of withholding. If the Court finds there has been a mistake of fact, the Court may issue an amended Income Withholding Order and the MLB CSEP will update all appropriate records.

The only reason someone may contest an order for income withholding is if there is a mistake of fact. That is, if there was an error calculating the amount of arrearages, the amount to be withheld; an error in the amount stated on the IWO in comparison to the actual child support

order; or there is an error in the identity of the person against whom an income withholding order is issued against.

In the event that an improper amount was withheld by the employer, the MLB CSEP will review the case and promptly refund the non-custodial party when appropriate and necessary by processing a request to the Accounting Department for a refund check to be issued.

13.01.1 Termination of an Income Withholding Order

All child support orders that provide for income withholding will include language to assure that income withholding shall cease and be terminated when the youngest child on the child support case emancipates and there are no debts owed; or by other order of the Court.

When the youngest child on the case emancipates, the case will be reviewed by the Financial Worker. If there is no longer current support due and all arrearages and other debts have been paid, the Financial Worker will terminate the income withholding order pursuant to the terms of the last order and in compliance with 45 CFR 309.110(f).

To accomplish this, the Financial Worker will generate an Income Withholding Termination Notice and submit to the employer via US Postal Service or electronically via fax or email; mail a copy to the non-custodial party; and place a copy in the child support file. The case may then be closed.

13.02 Delinquency Notices

The Financial Worker will monitor the case for compliance of the court order including payments made via income withholding. The Financial Worker will maintain accurate case notes indicating the date the case is reviewed and all actions taken to enforce the Order.

When a child support payment becomes thirty (30) days past due and is an amount equal to or greater than the support payable for one (1) month the Financial Worker will refer the case to the Case Manager for enforcement action. If there is a verified employer, the Financial Worker must generate an IWO to the employer.

The Case Manager will take enforcement actions as follows when a non-custodial party is non-compliant with a court ordered obligation:

13.02.1 First Notice of Delinquency

The First Notice of Delinquency letter is the first step⁴ in contacting a non-custodial party who has become non-compliant with a court order. It will be mailed within one (1) to five (5) business days after the non-custodial party has become delinquent. It states clearly and concisely that a child support payment(s)

⁴ In some circumstances, the Case Manager may choose to call the non-custodial party as the first step of the enforcement process, thus making the *First Notice of Delinquency* letter the second step in the process.

or other obligation is past due, requests compliance within ten (10) business days of the date of letter and warns of further legal action if no response is received. If the non-custodial party comes into compliance after receipt of the letter, the case reverts back to monitoring.

If there is no response to the letter from the non-custodial party the Case Manager should send the Second Notice of Delinquency.

13.02.2 Second Notice of Delinquency:

The Second Notice of Delinquency is sent to the non-custodial party between day fifteen (15) and day twenty (20) of delinquency if no response to the first letter was received. This letter contains more threatening language urging the non-custodial party to become compliant with the court order or suffer legal consequences.

If the non-custodial party comes into compliance after receipt of the letter, the case reverts back to monitoring. If there is no response to the second letter from the non-custodial party, the case moves to the legal enforcement phase.

13.03 Contempt

Filing a Contempt Petition should be the last resort when enforcing an order. The Case Manager will review the file to assure the case meets the following criteria:

1. The non-custodial party is thirty (30) days or more delinquent;
2. Phone Contact was attempted without success or without results of compliance by the non-custodial party;
3. First Notice of Delinquency was sent to the non-custodial party and no response received;
4. Second Notice of Delinquency was sent to the non-custodial party and no response received;

The Case Manager will proceed with the Contempt Petition by generating the required legal documents; submitting the documents to OSG for review, approval and signature; and filing a Contempt Petition with the Clerk of Courts.

The case will be scheduled for review for the next regularly scheduled child support court date.

Upon compliance of the remedial contempt order, or completion of time served, the contempt will be considered satisfied and the case will revert back to monitoring and enforcement.

13.04 Request for State Assistance

Additional enforcement tools include various tactics to encourage delinquent non-custodial parties to comply with a court ordered obligation. However, Tribal programs have limited access to many of these tools without the assistance of state counterparts.

Under the Uniform Interstate Family Support Act (UIFSA) and the Full Faith and Credit for Support Orders Act (FFCCSOA) the MLB CSEP can refer a delinquent child support case to another Tribal IV-D agency or a state IV-D agency to request assistance for enforcement. When all inter-jurisdictional assistance is required, the policies and procedures in Section 15 may be followed. Case Managers shall use the Inter-Jurisdictional Transmittal 1 when sending a request to another jurisdiction for enforcement.

14.0 REVIEW AND MODIFICATION

Once every three (3) years from the date of the order, the Case Manager will send a notice to both custodial and non-custodial parties informing them of their right to have their case reviewed.

Pursuant to MLBSA, Title 8, Chapter 12, §2011 the MLB CSEP may also honor written requests for reviews and modifications from either party when the request indicates there has been a substantial change in circumstances such as, but not limited to, an involuntary layoff from work.

In addition, the MLB CSEP may initiate a review for modification at the discretion of the Case Manager or Financial Worker when a change of circumstances is identified.

14.01 Review

When the MLB CSEP receives a written request for review, the Administrative Assistant will date stamp the form and route the request to the Case Manager. Forms are available at the MLB CSEP offices and can be mailed to a requesting party.

Upon receipt of the *Request for Review and Modification*, the Case Manager will:

1. Verify that a child support case already exists in the MLB CSEP; and
2. Verify that a completed *Request for Review and Modification* form was signed by the requesting party

3. Within ten (10) business days of date of receipt in the MLB CSEP office, commence a review of the case for potential modification;
4. Proceed with the following steps:
 - a. Letter of notice of the *Request for Review/Modification* and a *Financial Affidavit* form will be sent to the non-requesting party. The letter will instruct the party to complete the *Financial Affidavit*, attach copies of four (4) most recent check stubs, and submit to the MLB CSEP within five (5) business days from the date of the letter.
 - i. When the non-requesting party fails to comply the Case Manager will attempt to obtain wage information directly from the employer.
 - b. Case Manager will set a task reminder to check for receipt of information or other response from non-requesting party on the tenth (10th) business day;
 - c. Case Manager will review all submitted or acquired financial information and/or other relevant documentation and complete a calculation of monthly support using the child support guidelines.
 - d. If the changes do not meet the criteria of “substantial change”, the Case Manager will:
 - i. Send a *Modification Denied* letter to the requesting party with a copy sent to the non-requesting party, via regular US Postal mail service;
 - ii. Update case physical file with the information;
 - iii. Return file to central file cabinet.
 - e. If the changes meet all the criteria and a substantial change is validated, the Case Manager will contact the parties and attempt to obtain a *Stipulation and Order for Modification*;
 - i. When both parties are in agreement, the Case Manager will send the Stipulation to each party for signatures or schedule an appointment for the parties to come to the MLB CSEP office to review and sign the Order;
 - ii. The Case Manager will submit the order to the Judge for review and signature;
 - iii. The Case Manager will then file the Order with the Clerk of Court; and
 - iv. The Clerk of Court will send copies to all parties and to MLB CSEP;
 - v. The Case Manager will file a copy of the signed order in the child support file;

When either party is unwilling to sign a stipulation for modification, the Case Manager will schedule a court hearing and proceed with a Motion to Modify.

14.02 Modification

When appropriate, the MLB CSEP will pursue modifications in compliance with 45 CFR 309.90(a)(2) following the procedures set forth in MLBSA, Title 8, Chapter 12 Subchapter I, Section 2019.

The Case Manager will proceed by generating a Motion to Modify and submitting to OSG for review, approval and signature.

1. After signed by the Attorney, the Case Manager will file the Motion to Modify, including all supporting documentation, with the Clerk of Court.
2. The Motion, Financial Affidavits and Notice of Hearing shall be sent, by the Clerk of Court, to the responding party via U.S. Postal Service.
 - a. The responding party shall be served at least fourteen (14) days prior to the date of the hearing.
 - b. The Court will hear the motion and determine whether or not the order needs to be modified and a decision rendered.
3. If a modification was granted, the Clerk of Court will generate the modified order and send both parties a copy via certified mail and will provide the MLB CSEP with a copy of the order.
4. Upon receipt of the modification order, the Case Manager and Financial Worker will update all necessary information in the case file and financial spreadsheet, submit an amended Income Withholding Order/Notice to the employer, if necessary, and monitor the case for compliance.

15.0 INTER-JURISDICTION

There are two types of inter-jurisdictional case management situations. The first is when the non-custodial party is living and/or working outside the exterior boundaries of the Mille Lacs Band of Ojibwe's jurisdiction and an out-going inter-jurisdictional referral is required to enforce the order.

The second type is when there is an order from another jurisdiction against a non-custodial party who resides and/or works within the exterior boundaries of the reservation and an in-coming referral is required.

45 CFR 309.110(n) requires the MLB CSEP to assist in the processing of income withholding orders from other jurisdictions.

To improve the successful enforcement of child support orders involving tribal members, tribes operating a child support program under Title IV-D must adhere to specific regulations regarding inter-jurisdictional cases by:

1. Cooperating with and extending a full range of services as is included in the MLB CSEP Comprehensive Plan to all requesting jurisdictions; and
2. Recognizing child support orders issued by other jurisdictions.

15.01 Out-going Inter-jurisdictional Referrals

When a child support case involves a non-custodial party who resides and/or works in another jurisdiction, case management can be as simple as sending an Income Withholding Order/Notice directly to the person's employer.

It is when the non-custodial party becomes delinquent and additional enforcement measures are required that case management turns to out-going inter-jurisdictional referrals.

When a case requires this additional action, the Case Manager will assess the case to identify what jurisdiction the non-custodial parent resides and/or works in and to determine what type of enforcement measures are required.

The Case Manager will determine what referral process is required based on the jurisdiction they are requesting assistance from. For states or foreign countries they may use the federal Inter-Jurisdictional transmittal forms and for other Tribal jurisdictions they should contact the Tribe to inquire what documentation is necessary.

The Case Manager will generate the necessary paperwork to proceed and mail the transmittal forms via regular US Postal service, fax, or transmit via e-mail, to the appropriate caseworker at the identified agency.

The Case Manager will:

1. Place a copy of the transmittal form in the client file;
2. Create a task reminder to check for response in thirty (30) days;
3. Log all action taken in the client file.
4. Monitor for response and further action.

15.02 In-Coming Inter-jurisdictional Referrals

When a child support case involves a non-custodial party who resides and/or works within the Mille Lacs Band of Ojibwe's jurisdiction and the child support order originates in another jurisdiction, the other jurisdiction shall request assistance from the MLB CSEP.

If the non-custodial party works for the Mille Lacs Band of Ojibwe, the in-coming referral may be as simple as registering the other jurisdiction's Order in Tribal Court as a foreign order and then generating an Income Withholding Order/Notice to be submitted to the MLB Payroll Department to start withholding.

15.02.1 Foreign Income Withholding Orders

Under Federal Full Faith and Credit for Child Support Orders (FFCCSOA) the MLB CSEP must accept and enforce valid foreign income withholding orders. The MLB CSEP is responsible for the prompt and accurate processing of these requests. All requests received shall be processed within seven (7) working days of receipt.

The following procedures shall be followed when the MLB CSEP receives a foreign income withholding order from another child support agency and/or the issuing state/tribunal:

1. Verify enrollment/non-enrollment of the Obligor;
2. Confirm that the Obligor's employer is the Mille Lacs Band of Ojibwe or a Tribal enterprise or entity;
3. Verify that the foreign request includes all the appropriate documentation as follows:
 - a. A letter of transmittal requesting registration and enforcement.
 - b. Two (2) copies, including one certified copy, of all orders to be registered including any orders for modification;
 - c. A sworn statement by the party seeking registration, or a certified statement by the custodian of the records showing the amount of any arrearage as accurate;
 - d. The name of the Obligor and, if known:
 1. The Obligor's address;
 2. The Obligor's social security number;
 3. The name and address of the Obligor's employer and any other source of income of the Obligor;
4. If the foreign State or Tribe has not provided these documents send the income withholding order back to the State or Tribe with a letter requesting the missing documentation.
5. The Financial Worker will:
 - a. Contact the Tribal Clerk of Court for a new or existing case number assignment.
 - b. Draft a Motion and Order for Registration of a Foreign Income Withholding Order;
 - c. Refer the case to the child support Attorney for review and approval.
 - d. File the approved Motion with the Tribal Court along with all the documents from the State or Tribe.
6. The Clerk of Court will send a notice of filing to the Obligor who shall have five (5) days, not including the date of service, to object to the registration of the order.

- a. This should be sent to the Obligor by certified mail.
 - b. The only objection the Obligor can utilize is a mistake of identity or a mistake in the amount of the child support order.
 - c. The Obligor's objection must be written and be received by the Clerk of Court within the five (5) days of date of notice.
7. If the Obligor does not respond to the Notice of Registration, the Court will consider it a waiver of their right to object and shall register the foreign order;
 8. If the Obligor files a response objecting the registration of the foreign Income Withholding Order; the Clerk of Court will schedule a hearing to address the obligor's motion;
 - a. The disposition of the court hearing will determine what steps the Case Manager will need to take next.
 9. After the foreign Income Withholding Order has been registered with the Tribal Court, the Financial Worker will:
 - a. Send the order to the Tribal employer for immediate withholding.
 - b. Send the issuing State or Tribe a copy of the income withholding order and a copy of the Motion and Order for Registration;
 - c. Send a copy of the order to the Obligor.

Once filed, the foreign order is considered registered and is enforceable in the same manner and is subject to the same procedures as an order issued in the Mille Lacs Band of Ojibwe Tribal Court.

16.0 CASE CLOSURE

The Case Worker should assess all cases on a regular basis to see if it meets the case closure criteria.

16.01 Case Closure Criteria

- Paternity cannot be established;
- Child was adopted, and there are no arrears owed to a Tribe or State for public assistance arrears or other debts; and there are no arrears owed to the custodial party.
- Child has reached the age of majority and all debts are paid.
- Custodial party can request closure by submitting a completed Request to Close Case form to the MLB CSEP however the custodial party may not be receiving public assistance and no arrears are owed to a Tribal or State agency.

- Non-custodial party is deceased and has no estate;
- Non-custodial party is a citizen of a foreign country that has no reciprocal agreement with the U.S;
- Non-custodial party is sentenced to life in prison and there are no viable assets or potential income, at the discretion of the Case Manager, the case will be reviewed for possible closure.
- Good Cause exists:
- Child is deceased and no arrears owed to anyone.

If the Case Manager believes a case falls into one or more of the criteria above, they should refer the case to the IV-D Director who will determine if closure is appropriate. All closed files will be maintained in a locked closed file cabinet and retained for a minimum of three (3) years from date of closure.

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ATTACHMENTS

A. Confidentiality Agreement

MILLE LACS BAND OF OJIBWE EMPLOYEE CONFIDENTIALITY AGREEMENT

This Agreement is made by and between the Mille Lacs Band of Ojibwe (the "Band") and _____ (the "Employee"). It is effective as of the date entered below and shall continue in effect as long as the Employee continues his/her employment with the Band.

The Above named employee agrees and understands that certain sensitive and confidential information may be obtained by the employee in the course of his/her employment with the Band. By signing this document the employee agrees to the following:

1. To maintain the confidentiality of all Band financial information. This includes, but is not limited to, all information regarding investments, financial or bank accounts, investment or financial strategies, grants, revenues and/or budget information that may come to the attention of the Employee;
2. To maintain confidentiality of all Band Member confidential information. This includes, but is not limited to, individual applications for housing programs, financial information mortgages, loans, educational programs, medical information, or other non-public information pertaining to Band Members;
3. To maintain confidentiality of all Band program and business information including, but not limited to, financial and/or participant information regarding the Band's programs, businesses, entities, committees or boards;
4. To maintain confidentiality of all information contained in employee personnel files and employee salary information;
5. To maintain confidentiality of all Band documents concerning Band suppliers, vendors, contractors, service providers and contracts;
6. To maintain the confidentiality of all other Band information that the Band could reasonably expect to be kept private.

This Agreement shall be governed in accordance with the laws of the Mille Lacs Band of Ojibwe. By signing this Agreement, the Employee consents to the jurisdiction of Court of Central Jurisdiction to resolve disputes arising out of this agreement and to enforce the terms of this agreement. Nothing in this Agreement shall be construed as a waiver of sovereign immunity.

**MILLE LACS BAND OF OJIBWE
EMPLOYEE CONFIDENTIALITY AGREEMENT**

I, _____, have read this Agreement before signing it and agree to its terms in their entirety. I understand that I may not disclose any information protected by this agreement without first receiving explicit written permission from a Band government official at the Commissioner level or higher.

DATED this ____ day of _____, 2010.

EMPLOYEE:

Typed or Printed Name Above

Employee Signature

MILLE LACS BAND OF OJIBWE

Commissioner or Director Signature

(Herb Weyaus, Secretary-Treasurer, to sign for legislative staff)

B. Release of Information

AUTHORIZATION FOR RELEASE OF INFORMATION



Name: _____ Date of Birth _____

Address: _____ Enrollment Number: _____

I, _____, give my permission and herewith authorize, _____ to RELEASE information to the following persons (List agency that the person is associated with):

1. _____

I give my permission to _____ to OBTAIN information from the following persons (List agency that the person is associated with):

1. _____

2. _____

Specific information to be released or obtained:

To release or obtain information, a separate authorization for each person is required. A separate authorization is also required for information in each category below. This original release is limited within the following categories: 1) Personnel records; 2) Payroll records. This authorization is subject to the laws and policies of the Non-Removable Mille Lacs Band of Chippewa Indians. This authorization does not specifically allow for direct communication in the form of interviews and/or statements with any person under the jurisdiction of the Band in the form of depositions, interviews, affidavits and/or statements with any said person holding confidential information and the bearer of this authorization.

I, _____, understand that certain information is also protected by the laws of the United States of America and Federal Regulations (42 CFR) and cannot be disclosed without my written consent. I understand that I may revoke this consent at any time, except to the extent that action has already been taken in reliance to it.

Dated this _____ day of _____, 20_____

Signature _____

Print Name _____