**Testimony**
**Department of Human Services**
**Interim Tribal and State Relations Committee**
**Representative Marvin Nelson, Chairman**
**December 17, 2015**

Chairman Nelson, members of the Interim Tribal and State Relations Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services. I appear before you to provide information regarding offsets of federal income tax refunds of delinquent Tribal obligors and other child support updates regarding Tribal families.

Tribal families are a significant component of the caseload for the Child Support program. Usually, these cases are the result of a referral from the Temporary Assistance for Needy Families (TANF) or an application from one of the parents. However, cases can also open if the child is in Foster Care or at the request of another state or a Tribal child support enforcement program.

For sovereignty reasons, the jurisdictional issues in child support cases involving Tribal families can be very complicated. Some cases can only move forward in Tribal court, such as paternity cases for Tribal children who were conceived and born on a reservation. In other cases, it is less clear which court (state or Tribal) is most appropriate, particularly if one or both of the parents now lives off the reservation.

The total caseload for the Child Support program as of November 2015 was 38,194, with 1,628 of those cases unable to move forward for jurisdictional reasons. This number is at a historically low level.

As each lack-of-jurisdiction case is reviewed at six-month intervals, the Department looks carefully to determine if the case can move forward. The North Dakota Supreme Court has issued several decisions guiding the Department in analyzing the jurisdictional issues in these cases.

The Standing Rock Tribe and the Three Affiliated Tribes operate federally-funded child support programs. The availability of federal funds for Tribal child support programs encourages local service delivery and creates important new partners for the Department as we try to serve the Tribal families in our caseload.

For Tribes in North Dakota who do not have a child support program, the Department's attorneys appear in Tribal court to establish and enforce Tribal support orders according to Tribal law. In addition, the Department enforces Tribal court orders on equal terms as state court orders.

The Department is grateful for the support and cooperation it has received from Scott Davis and his staff with the Indian Affairs Commission in developing agreements and constructive lines of communication with Tribes on child support matters.

Although Tribes have access to federal funding for child support programs, federal law does not give Tribal child support programs direct access to the federal offset process. To overcome the lack of direct access, the federal Office of Child Support Enforcement has suggested that Tribes enter into an agreement with a state child support program so the tribal obligors can be added to the list of obligors submitted by each state for federal offset. When the Standing Rock Tribal Child Support Program expressed an interest in submitting its obligors for federal offset

through the Department, the Department agreed to sponsor a consortium through which any Tribal child support program can submit its obligors for offset. Standing Rock and the Lac Courte Oreilles Tribe in Wisconsin are the first two members of this innovative consortium, with several other Tribes expressing interest in joining as well. The Tribes in the consortium pay the federal offset fee, and the Department's child support automated system is sufficiently flexible to support this effort on a highly-automated basis at no extra cost to the state or the Tribe.

Mr. Chairman and members of the committee, we continue to work internally and with the Tribes to provide child support services to Tribal families, and are pleased to share with the committee our success in this area.

This concludes my testimony. I will be glad to try to answer any questions.