

# ***Stand Up For California!***

## **“Citizens making a difference”**

[www.standupca.org](http://www.standupca.org)

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### **RE: Public Comment on Matters Not on the Agenda Suggestion for Agenda Topic CHILD SUPPORT**

Dear Ms. Dennis,

*Stand Up For California* (“Stand Up”) is writing today to suggest a topic to be considered for the agenda. Over the years, Stand Up has received phone calls requesting assistance in a number of collateral areas related to federal Indian law. Child support is an issue that has been repeatedly raised and is a topic of significant concern to local government and to mothers of tribal children.

In 2007, four Tribes signed Memorandums of Agreement that stated, *“As a matter of comity with the State and its political subdivisions, the Tribe agrees to continue to require that its Tribal Gaming Facility employees comply with state court and agency orders pertaining to child, family and spousal support concerning employees.”* This language, however, only covered tribal employees of the casino.

In 2010, we received calls from a number of mothers of tribal children requesting assistance due to the failure of the non-custodial parent to pay child support. Stand Up has tried to assist, including by writing letters to a number of law makers and agencies. The Federal Office of Child Support and Enforcement (“OCSE”) responded positively to Stand Up’s inquiry. The OCSE Mission is described as, *“Child Support is a joint federal, state, tribal, and local partnership that seeks to ensure financial and emotional support for children from both parents by locating non-custodial parents, establishing paternity, and establishing and enforcing child support orders.”*

OCSE only conducts outreach on tribal lands and urges custodial parents to work closely with their tribes. Additionally, OCSE provides federal funding under Title IV-D to establish and sustain tribal Title IV-D Child Support Enforcement Programs. OCSE provides start up grants, technical assistance and federal financial participation funds to tribes to operate the program.

According to the OCSE web site, 60 tribes nationally are participating in this program; but, only one is from California. The Yurok Tribe web site states that “the Yurok Tribe Child Support Services (or “YCSS”) program was established in 2010 after the passage of the Yurok Family Code. “YCSS is a federally funded tribal child support (or “Title IV-D”) agency. The mission of Yurok Child Support Services is to improve the well-being of children and families within and associated with Yurok Territory.” The Yurok Tribe offers the following services:

- Location of non-custodial parent
- Paternity establishment
- Identify & evaluate in-kind goods as a means of support
- Initiate case transfers to the jurisdiction of the Yurok Tribal Court
- Assist with California’s compromise of arrears program (COAP)
- Establishment, enforcement, and modification of support orders within the Yurok Tribal Court

The OCSE program and the Yurok Tribe’s Support Services serves as an example that the Tribal Grant Fund Program can emulate and encourage. Yurok is not a large gaming tribe, but it has prioritized caring for the non-custodial parent and tribal children.

In 2010, the Tribal Council woman of the Grand Traverse Band (GTB) contacted Stand Up to explain that the GTB had *voluntarily* adopted an ordinance that requires per capita gaming payments to be used to satisfy child support obligations, first. The GTB ordinance states:

**“1609–Child Support Obligations**

The Tribal Council shall establish a program to ensure that, if the GTB has knowledge that any recipient of a per-capita benefit is delinquent with respect to a duty of support under an order issued by the court of any state or Indian Tribe, such per-capita benefit shall be allocated to the satisfaction of such support obligation in priority over an distribution or allocation of such benefit otherwise provided for under this RAO. Such program shall include cooperation with federal, state and Tribal governments under the Uniform Reciprocal Enforcement of Support Act, the Social Security Act, and similar statutes. Nothing in such program shall create a duty of financial obligation on the part of the Tribe to any support obligee or third party.”

It is unknown how many California tribes have voluntarily developed an ordinance to address child support. One thing is certain; mothers of tribal children over the years have continued to call and ask for assistance. Stand Up’s efforts have included the following:

- We have requested language in tribal state compacts
- We have written to state and federal law makers seeking assistance.
- We have made suggestions for language to county programs
- We have encouraged mothers who are tribal members to seek assistance of their tribal governments when the father is from another Tribe.
- We have encouraged mothers to seek assistance from their county officials who may have positive relationships with the local Tribal government, and

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<sup>1</sup> <https://yuroktribalcourt.org/programs/yurok-child-support-services-tribal-iv-d/>



- Because marital conflicts are often over money, we have suggested that payments be made in the form of gift cards to specific stores granting the non-custodial parent some control over how money is spent by the custodial parent, or schedule payments for rent, mortgage, or private school.

In 2014 during the committee hearings on SB 406 the Tribal Civil Money Judgement Act, Stand Up raised the need for reciprocity. *We suggested that the legislation should include a provision to limit state courts to only consider Tribal Civil Money Judgements by tribal courts that had a reciprocal provision recognizing California Court Judgements for "child support".* While no amendment was offered, the legislators did express concern over this issue.

It is critically important that tribal governments ensure protective programs are established for the care of children and their custodial parent. It has been 19 years since casino gaming on tribal land was legalized in California. Gaming Tribes are now earning 8+ billion dollars a year in casino revenue, even the non-gaming tribes receive 1.1 million annually from the Revenue Sharing Trust Fund on top of what some earn with fewer than the 350 slot machines. Tribes must protect the most vulnerable among them by allocating funds to support child support. *These children are the future of the tribe.*

Stand Up believes this is a worthy and timely topic for the Tribal Nation Grant Fund Program to add to its agenda for discussion, research and consideration. I have been told numerous times over the years that Tribal governments plan for the next seven generations. Child support for Tribal children is a Tribal government issue. This issue requires the political will of tribal leaders to act and demonstrate that they mean what they say, that they plan for – the next seven generations.

Sincerely,



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CC: Sr. Advisor to the Governor Anna Naimark  
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