

**CHAPTER I: FORT BELKNAP TRIBAL POPULATION AND JURISDICTION  
(45 CFR 309.65(a) (1))**

*45 CFR 309.65(a)(1) A description of the population subject to the jurisdiction of the Tribal court or administrative agency for child support purposes as specified under §309.70.*

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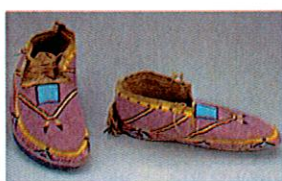
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**CHAPTER I: FORT BELKNAP TRIBAL POPULATION AND JURISDICTION  
(45 CFR 309.65(a) (1))**

***45 CFR 309.65(a)(1) A description of the population subject to the jurisdiction of the Tribal court or administrative agency for child support purposes as specified under §309.70.***

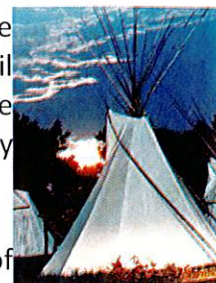
The Fort Belknap Tribal Code (FBTC) details the Tribal Court’s territorial, personal, and rem jurisdiction. Fort Belknap Indian Reservation is homeland to the Gros Ventre and the Assiniboine Tribes. Fort Belknap Indian Reservation is located forty miles south of the Canadian border and twenty miles north of the Missouri River, which is the route of the Lewis and Clark Expedition. Fort Belknap Indian Reservation is the fourth largest Indian reservation in Montana.

The Fort Belknap Tribal Code (FBTC) details the Tribal Court’s territorial, personal, and rem jurisdiction. Fort Belknap Indian Reservation was created by an Act of Congress on May 1, 1888 and the Fort Belknap Agency was established at its present location, four miles southeast of the present township of Harlem, Montana.



Tribal members accepted the Indian Reorganization Act on October 27, 1934. Members of Fort Belknap adopted a constitution on October 19, 1935 and a corporate charter on August 25, 1937, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934. The Fort Belknap Indian Community Council is recognized as the governing body on the Fort Belknap Reservation. They are charged with the duty of protecting the health, security, and general welfare of the Fort Belknap Indian Community.

Fort Belknap Indian Community Council consists of the President and the Vice President, who are elected to serve a four year term. Eight Council Members, consisting of four Gros Ventre and four Assiniboine members are elected every two years. The President and Vice President appoint a Secretary Treasurer, who serves four years.



The Fort Belknap Indian Reservation encompasses an area consisting of 675,147 acres, which extends approximately 28 miles east and west and 35



miles north and south. The land is mostly rolling plains. The main industry is agriculture, consisting of small cattle ranches, raising alfalfa hay for feed and larger dry land farms. The Little Rocky Mountains, located at the southern end of the reservation, has two small communities. Hays, located at the southwest portion of the reservation, has both a public school (7-12), and a Catholic School, Saint Paul's Mission, grades K-6. Lodge Pole, located at the southeast portion of the reservation has a public school, grades K-6.

Pursuant to §1-1-3.2 of the FB TC, the Tribal Court’s jurisdiction extends “to any and all lands within the reservation boundaries, including all easements, fee patented lands, rights-of-way, and over lands outside the reservation boundaries held in trust for tribal members or the Tribe or as allowed under federal law or treaty rights.” The Tribal Court has ‘civil and criminal jurisdiction over all persons who reside, enter or transact business within the territorial boundaries of the reservation’ pursuant to §1-1-3.3 of the FBTC. The Court also has jurisdiction over “all property, real and personal located with the boundaries and over lands or interests outside the reservation boundaries” pursuant to §1-1-3.4 of the FBTC. This jurisdiction extends “to ownership or rights in property, and the application of property to the satisfaction of a judgment for which the owner is liable.

The Fort Belknap Indian Community has 6,304 enrolled members, of which 3,115 or 59% reside on the Fort Belknap Reservation. Of this reservation population, approximately 109 or 29% are minors under the age of majority and subject to the jurisdiction of the FBTC as detailed above. The FBTC §5-10-01, defines “minors” as “persons under eighteen years of age.” The Fort Belknap Indian Community has attached a Certification Statements, signed by Julia Doney, former President, attesting to the number of children under the age of majority who are subject to the jurisdiction of the Tribal Court.

### **Mission Statement**

Fort Belknap Child Support Program (FBCSP) exists to promote the well being of our children by advocating and enforcing parental responsibility and obligations. FBCSP will be beneficial in supporting and strengthening tribal families by focusing on two parent involvement, non-cash and emotional contributions.

### **FBCSP Goals and Objectives**

1. Provide a respectful, courteous and professional work environment;
2. Maintain highest standards of confidentiality;
3. Ensure that paternity is established for each child;
4. Establish and modify support orders;
5. Locate absent parents and collect child support;
6. Process payments in an efficient and timely manner; and
7. Incorporate mediation through the administrative process as an option for families in crisis

## CHAPTER II: APPLICATION PROCESS/PROVISION FOR PROMPT SERVICE (45 CFR 309.65(a)(2))

***45 CFR 309.65(a)(2) Evidence that the Tribe or Tribal organization has in place procedures for accepting all applications for IV-D services and promptly providing IV-D services required by law and regulation.***

**Note:** *These procedures apply to self-referrals as well as referrals from Tribal Court and other tribal/state agencies. Copies of all forms referred to in this chapter can be found in the appendix section at the end of the chapter.*

### A. PROVIDING AND ACCEPTING APPLICATIONS

#### Policy

The Fort Belknap Child Support Program (FBCSP) will provide an Application to anyone who requests Child Support IV-D services either in person, by telephone or by written request.

The Fort Belknap Child Support Program will **not** charge an Application fee for providing child support services to any individual filing an Application for Child Support Services or to any State or Tribal IV-D agency that has referred or transferred a child support case to the Fort Belknap Child Support Program.

#### 1. Application Packet Availability and Fees for Program Services

FBCSP will accept referrals from services from another Tribal or State IV program.

Application packets for child support services from the Fort Belknap Child Support Program are available to the public at the FBCSP Office, 155 Blackfeet Street , Harlem, MT 59526, during normal tribal business hours. Application packets may also be available in other tribal offices in the outlying communities of Hays and Lodge Pole.

Application packets can also be obtained by calling the FBCSP Office at (406) 353-4230 and request an application packet.

Any person can apply for services from the Fort Belknap Child Support Program.

## 2. Application Request Procedure

An Application for Fort Belknap Child Support Services will be provided whenever an individual makes a request for services. In person requests will be provided same day assistance. Telephone or written requests will be processed within two (2) business days.

The Application Packet should contain the following:

- Application for Child Support Services with Verification Checklist
- Application Instructions
- Informational pamphlet
- Client Rights & Responsibilities
- Client request for Release/Exchange of Confidential Information
- Financial Affidavit
- Court Order

When an individual contacts the Fort Belknap Child Support Program Office for services, staff will describe the child support services available and/or application process including the jurisdiction of the FBIC Court and, if necessary, assist the individual in completing the written application.

### 1. The FBCSP Office will assist the applicant with:

1. Establishment of paternity when paternity has not been acknowledged or established.
2. Establishment of a child support order.
3. Enforcement of a child support order.
4. Modification of a child support order.
5. Location of person/assets of an individual responsible for the payment of child support.

### 2. The FBCSP Office will **NOT** provide the applicant with:

1. Legal assistance for any type of legal action.
2. Legal advice and/or consultation with FBCSP staff attorney. If appropriate, the applicant will be referred to the Tribal Civil Attorney for legal advice and/or consultation.
3. Assistance with property settlements.
4. Assistance with visitation and custody issues.
5. Assistance for collection of medical bills unless ordered to do so by the FBIC Court.
6. Assistance for collection of day care expenses unless ordered to do so by the FBIC Court.
7. Individual representation of a legal action in any court system.

#### *NOTE:*

If an initial determination is made that the case does not fall within the FBIC Court jurisdiction, FBCSP staff will assist in determining which state or tribe may be the most appropriate jurisdiction.

Referrals to a more appropriate jurisdiction will be made in accordance with the Referral process of **Chapter 13 Intergovernmental Case Processing**.

## B. RECEIPT OF AN APPLICATION

### Procedures

1. When an Application for Child Support Services is returned to the FBCSP Office, staff will record the *Date Received* in the designated spot on the application form.
2. Staff will review the returned application to determine if:
  - Application form is signed and notarized.
  - Returned application has all the necessary information.
  - Required documentation and verification is attached or was enclosed with the application.

**NOTE:** If family violence is determined to be an issue, the case will be staffed with the Case Specialist, the Program Director and/or Program Attorney to ensure that all necessary measures are to be taken to ensure the safety of the parties. All family violence cases will be placed in Red file folders.

3. Required documentation includes:
  - Certificate of degree of Indian Blood (CDIB) for household members.
  - Copy of certified birth certificate for each child.
  - Copy of Social Security card for each child **and custodial parent (CP)**
  - Copy of any divorce decree or court orders that address child support.
  - Copy of any Paternity Affidavit.
4. Incomplete Information
  - a. The FBCSP Case Specialist will review the case file to determine if any required information or documentation is missing. If file is incomplete, place in a "Pending File".
  - b. If the Application is unsigned, or any of the required information and/or verification is missing, staff will send applicant a [Request for Additional Information form](#) within three (3) business days requesting that the information be returned within seven (7) days from the date of the letter.
  - c. Create an **electronic** reminder to check in seven (7) calendar days to verify if requested information has been received.
  - c. If the application was incomplete and the signed Application and/or requested information is not returned within seven (7) calendar days, staff will send the applicant a [Notice to end Services](#) due to an incomplete application and/or lack of necessary information.

## C. ACCEPTANCE OF CASE AND SETTING UP CASE FILE

## Procedures

Within five (5) days of verifying that the application for services is complete, FBCSP staff will:

1. Review the application to determine residence of the parties, each party's tribal affiliation, and presence of any existing child support orders.
2. If neither of the parties nor the child(ren) reside within the FBIC Court's jurisdiction, contact both parties to determine if they will consent to jurisdiction of the Fort Belknap Tribal Court.

If the parties do not consent to FBIC Court jurisdiction, determine which state or Tribal IV-D Office has jurisdiction and transfer the case to the appropriate jurisdiction.

3. If the FBIC Court has jurisdiction, send both the Custodial Parent (CP) and the Non-Custodial Parent (NCP) a [Welcome Letter](#) informing them that a Child Support case has been opened by the FBCSP Office.

Welcome Letter will include the Tribal Case Number, FBCSP Office Location and hours of operation, the Child Support Case Specialist's Name and contact information.

4. Create a case file. A FBCSP Case Number will be assigned to the case. A label with the FBCSP Case Number, NCP Name and CP Name should be affixed to the Case File. Case file numbers will be in this format: NCP last name, first two digit year, 0001, CP Name. Example: MURDOCK, Rolland 12001, HORN, Willowa

## **D. CASES REFERRED FROM TRIBAL SOCIAL SERVICES – ICWA UNIT OR PROSECUTOR'S OFFICE**

### **POLICY**

The Fort Belknap Child Support Program is able to and will accept any Youth in Need of Care case referral from the Fort Belknap Tribal Social Services ICWA Unit or from the Tribal Prosecutor's Office.

However, it is the policy of the Fort Belknap Tribal Social Services ICWA Team and the Tribal Prosecutor's policy to NOT seek establishment of a child support obligation for Youth in Need of Care cases while the goal remains family reunification.

The Fort Belknap Child Support Program will not provide child support services in these cases unless otherwise directed to by the FBIC Court. In the event of a legal guardianship and the dismissal of the Youth In Need of Care action, the FBIC Court may direct the Fort Belknap Child Support Program Office to provide the legal guardian, upon application, with child support program services.

## **E. "SHARED" CASES WITH THE STATES**

*A "Shared" or "common" case is a child support enforcement case where either of the two following criteria is met:*

1. The CP in the case is an active TANF participant with the State of Montana TANF program,

Or

2. There are existing State TANF arrears for which the TANF program has yet to be reimbursed.

In some instances, a “shared” case may be referred to the Fort Belknap Child Support Program Office for assistance with “working” the case or the State IV-D Program may choose to designate the FBCSP Child Specialist as the Primary Child Specialist for the case.

FBCSP Staff will work with the State Tribal Liaison office or unit informing them that an application for child support services has been received by the Fort Belknap Child Support Program Office.

#### **F. CASES TRANSFERRED FROM ANOTHER STATE OR TRIBAL IV-D AGENCY**

Upon receipt of a case transfer from another Tribal Child Support Enforcement Agency or a State IV-D Agency, the FBCSP Office must take action to process the case referral within five (5) business days. The case will be entered into a foreign referral log, which is maintained by fiscal year.

The transferred case is entitled to all available FBCSP Office services and becomes a “full fledged” FBCSP case upon completion of transfer.



## G. DETERMINATION OF CASE TYPE and SUBSEQUENT CASE PROCESSING - PROCEDURES

### PROCEDURES

1. If there is either a verified address or a verified employer for the NCP, look to see if there is a court order for child support. If there is no child support order and the CP is requesting establishment of paternity for the child(ren) listed on the application, the case is a Paternity Case.
2. If there is either a verified address or a verified employer for the NCP, there is no child support court order and the CP has established paternity, then the case is a **Support Establishment Case**.
3. If there is either a verified address or a verified employer for the NCP and an existing child support court order, then the case is a **Support Enforcement Case**.
4. For any case where there is an existing FBIC Court Order, review the court order and/or case file to determine if the case has any unusual processing issues if there is need for modification, then the case is a **CS Modification Case**.
5. If there is no address or employer is given for the NCP on the application form, the case is a **Locate Case**. Using the procedure for Locate in Chapter VIII.
6. If there is no address but an unverified employer for the NCP, the case is a **Locate Case**.
7. If there is an unverified address for the NCP and no verified employer for the NCP, the case is a **Locate Case**.

**CHAPTER III: DUE PROCESS PROVISIONS**  
**FBIC Law and Order Code, Title V**  
**(45 CFR 309.65(a)(3))**

*FBIC Law and Order Code, Title V*  
*45 CFR 309.65(a)(3) Assurance that the due process rights of the individuals involved will be protected in all activities of the Tribal IV-D program, including establishment of paternity, and establishment, modification, and enforcement of support orders.*

**A. DUE PROCESS RIGHTS OF INDIVIDUALS AND DEFAULT ORDERS**

**1. Due Process Rights of Individuals**

Due Process is generally defined as a guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before any actions to take away one's life, liberty, or property is conducted.

The Due Process rights of all individuals involved with the Fort Belknap Child Support Program (FBCSP) case or action will be protected. This includes all actions related to the establishment of paternity, the establishment of a child support order, modification of a child support order and enforcement of a child support order as well as intergovernmental cases transferred and/or accepted.

The Fort Belknap Indian Community (FBIC) Court Rules of Civil Procedure as well as the FBIC Domestic Relations Code and Grandparent-Grandchild Relationship Act shall serve as the underlying guide to ensure that the due process rights of all individuals are protected.

**2. Tribal Court Policy and Default Judgments**

Default judgments are those that the Court may issue after Respondent is properly served with notice, but does not show up for Court. Relief granted in Default Orders is limited to that requested in the Petition.

If the Respondent is properly served and fails to appear at the designated date and time the FBIC Court *may*, if no good cause to the contrary exists, enter a default order against the Respondent. Default judgments are limited to what the Petitioner asked for in the original Petition.

A default order will be served on the Respondent personally or by certified mail/return receipt requested to Respondent's last known address or by publication in the next edition of the Fort Belknap newspaper- *Fort Belknap News*, if Respondent's address is unknown.

A default order shall take effect thirty (30) days after service unless, within that time, Respondent presents to the FBIC Court evidence of good cause for failing to appear, unless the Court deems otherwise.

## **B. DUE PROCESS ASSURANCES**

1. Every individual who seeks services from the Fort Belknap Child Support Program will have that contact documented.
2. Contact that will be documented includes: Email, telephone, letters, notes, case discussions with staff and any other contact or communication with FBCSP Office staff.
3. Contact documentation shall indicate the date of the contact, the nature of the contact and the action taken.
4. FBCSP Office staff will follow all notice and hearing requirements for all cases where the FBIC Court has jurisdiction and in accordance with Fort Belknap law and Order Code, Rules of Court and Rules of Civil Procedure.
5. Any party summoned to appear in the FBIC Court in connection to any child support action associated with the establishment of paternity, establishment of a child support obligation, modification of a child support order or enforcement of court-ordered child support must be afforded his/her due process rights pursuant to FBIC Law and Order, Rules of Court and Rules of Civil Procedure.

## **C. DUE PROCESS PROCEDURES**

1. In order to begin the process for proper service, the FBCSP Office must have a verified address and/or employer for the non-custodial parent (NCP).
2. Personal service is the preferred method of serving individuals believed to be living or working on the Fort Belknap Reservation. However, if the individual is not available for personal service, one of the methods described below may be used to accomplish service, depending on the specific case circumstances.
3. Each interested party to a child support action must be served with a copy of the petition and a summons. The summons will include instructions to the Respondent on how to answer the Petition.
4. An Affidavit of Service must be completed each time personal service is required in a child support action. The Affidavit of Service will include the name of the person serving the pleadings and the date, time and place of service on the individual.
  - a. If service was made on a person other than the person entitled to service, the Affidavit of Service will state the name of the person served and the date, time and place of service on that individual.
  - b. The original Affidavit of Service will be filed with the FBIC Clerk of Court's Office with a copy placed in the client's FBCSP Office case file.

## **D. SERVICE OF PROCESS FOR INDIVIDUALS BELIEVED TO BE LIVING/WORKING ON THE FORT BELKNAP INDIAN RESERVATION**

1. The FBCSP Office will arrange, to the extent possible, for personal service on individuals believed to be living and/or working on the Fort Belknap Indian Reservation.

- a. Personal service on the named Respondent is preferred.
  - b. Service may be made on a person other than the named Respondent if that person is over the age of eighteen (18) and lives/was at the residence of the Respondent.
2. If personal service is unsuccessful after reasonable attempts, the FBCSP Office may file a motion with a supporting declaration requesting the FBIC Court issue an order allowing Service by Certified Mail/Return Receipt Requested.
    - a. Upon the FBIC Court issuing an order allowing service by certified mail/return receipt requested by, the FBCSP Office may serve the Respondent by certified mail/return receipt requested And by prepaid USPS first-class mail to Respondent's last known address.
    - b. FBCSP Office staff can file an Affidavit of Service with the FBIC Court Clerk's Office upon:
      1. Receipt of the returned receipt post card; or
      2. Return of the certified mailing with notification that Respondent's mail was unclaimed/refused AND the prepaid USPS first-class mail addressed to the same address was NOT returned within twenty-one (21) days of mailing.
  3. If personal service and certified mail/return receipt requested are unsuccessful, the FBCSP Office may file a motion with a supporting declaration requesting the FBIC Court for an order allowing **Service by Publication** in the next edition of the Fort Belknap newspaper *Fort Belknap News* and the *Blaine County Journal*.
    - a. Upon the FBIC Court entering an order allowing service by publication, the FBCSP Office will hand deliver and/or email a copy of the summons to the Office of the FBIC newspaper and the Blaine County Journal.
    - b. The FBCSP Office can file an Affidavit of Service with proof of publication with the FBIC Court Clerk's Office twenty (20) days allowing an additional five (5) days for mailing for a total of twenty-five (25) days after publication of the summons in the newspapers, the *Fort Belknap News* and the *Blaine County Journal*, and after that edition of the tribal newspaper has been distributed.

#### E. SERVICE OF PROCESS FOR INDIVIDUALS BELIEVED TO RESIDE OFF THE FBIC RESERVATION

1. Service by Certified Mail/Return Receipt Requested is the preferred way of serving individuals believed to be living outside the exterior boundaries of the Fort Belknap Reservation.
2. If the Respondent is believed to reside off the Fort Belknap Reservation, the FBCSP Office may file a motion with a supporting declaration requesting the Tribal Court for an order allowing **service by Certified Mail/Return Receipt Requested**.
  - a. Upon the FBIC Court entering an order allowing service by certified mail/return receipt requested, the FBCSP Office may serve the Respondent by certified mail/return receipt requested AND prepaid USPS first-class mail to the Respondent's last known address. All returned undelivered letters shall be placed unopened in the file.
  - b. The FBCSP Office can file an Affidavit of Service with proof of service with the FBIC Court Clerk's Office upon:
    1. Receipt of the returned receipt post card; or

2. Return of the certified mailing with notification that Respondent's mail was unclaimed/refused AND the prepaid USPS first-class mail addressed to the same address was NOT returned within twenty-one (21) days of mailing.
3. If service by certified mail/return receipt requested is unsuccessful, the FBCSP Office may file a motion with supporting declaration requesting the FBIC Court to issue an order allowing **Service by Publication** in the next edition of the Fort Belknap newspaper *Fort Belknap News* and the Blaine County Journal.
  - a. Upon the FBIC Court entering an order allowing service by publication, the FBCSP Office will hand deliver and/or email a copy of the summons to the Office of the Newspaper.
  - b. The FBCSP Office can file an Affidavit of Service with proof of service by publication with the FBIC Court Clerk's Office twenty (20) days allowing an additional five (5) days for mailing for a total of twenty-five (25) days after publication of the summons in the Fort Belknap newspaper, *Fort Belknap News* and the Blaine County Journal, and after that edition of the newspapers have been distributed.

#### F. PROCEEDING TO HEARING

1. The FBCSP Office may request a hearing be set in the child support matter twenty (20) days after the date the Respondent is deemed to have been properly served.
2. The FBCSP Office will file the original Notice of Hearing with the FBIC Court Clerk's Office and send a copy of the Notice of Hearing to all parties allowing fourteen (14) days plus three (3) days for mailing for appropriate service by USPS pre-paid first-class mail.

## CHAPTER IV: ADMINISTRATIVE AND MANAGEMENT PROCEDURES (45 CFR 309.65(a)(4))

**45 CFR 309.65(a)(4) Administrative and management procedures as specified under §309.75.**

*Note: Copies of all code and/or forms referred to in this chapter can be found in the appendix section at the end of the chapter.*

### A. STRUCTURE OF THE FORT BELKNAP CHILD SUPPORT PROGRAM

The Fort Belknap Child Support Program falls under the Chief Administrative Officer of the tribe. The Chief Administrative Officer (CAO) reports directly to the Tribal President.

The Fort Belknap Child Support Program Office consists of the following staff: Program Director, Case Specialist, Case Specialist/Lay Advocate, Process Server, Finance Specialist and Receptionist/File Clerk.

A Contract Child Support Attorney handles all legal actions filed on behalf of the Fort Belknap Child Support Program Office. All paternity/child support actions are filed in the FBIC Court which has jurisdiction to hear such matters under the Fort Belknap Tribal Law and Order Code. Specifically, jurisdiction for purposes of paternity establishment and child support can be found in Fort Belknap Tribal Law and Order Code Sections Title V Family Court Act.

The Fort Belknap Tribal Organization Chart and the Fort Belknap Child Support Program Office Organization Chart can be found in the appendix section at the end of this chapter.

All Fort Belknap Child Support Program Office staff will follow and abide by all Fort Belknap Tribal laws, Human Resources and FBCSP Office policies and procedures as set forth in the applicable manuals.

## **B. FBCSP OFFICE JOB STAFF POSITION TITLES AND RESPONSIBILITIES**

### **1. Director**

The Director supervises all aspects of the child support program including grant, budget, staff and program components ensuring that tribal and federal regulations are met. The Program Director is the program liaison between tribal, federal and state agencies. The Director reports to the CAO. Full job description can be found in the appendix at the end of this chapter.

### **2. Case Specialist**

The Case Specialist provides comprehensive child support services of all assigned cases working with the custodial parent/legal guardian, non-custodial parent and/or employers for the benefit of children. The Case Specialist reports directly to the Program Director. Full job description can be found in the appendix at the end of this chapter.

### **3. Case Specialist/Lay Advocate**

The Case Specialist provides comprehensive child support services of all assigned cases working with the custodial parent/legal guardian, non-custodial parent and/or employers for the benefit of children. The Case Specialist reports directly to the Program Director. Full job description can be found in the appendix at the end of this chapter.

The Lay Advocate is responsible for preparing legal court documents before and after court hearings.

### **4. Finance Specialist**

The Finance Specialist coordinates the fiscal activity of the Fort Belknap Child Support Program including handling payment processing, maintaining appropriate accounting and/or program records and calculating statistics as required for grant reporting. Full job description can be found in the appendix at the end of this chapter.

### **5. Process Server**

The Process Server maintains a safe work environment for all staff/clients. The Process Server reports to the Program Director. Full job description can be found in the appendix at the end of this chapter.

### **6. Receptionist/File Clerk**

The Receptionist/File Clerk along with other CS staff maintain a professionally run office. The Receptionist/File Clerk reports to the Program Director. Full job description can be found in the appendix at the end of this chapter.

### **C. INSURANCE AGAINST LOSS**

All FBCSP staff who have access to or control over child support funds collected by the Fort Belknap Child Support Program Office or federal funds received for the purpose of program operating costs will be covered by an appropriate bond/insurance policy.

This bond/insurance policy will protect the Fort Belknap Child Support Program and the Fort Belknap Tribe against any loss of child support-related funds as a result of employee dishonesty or embezzlement.

Staff covered under this bond/insurance against loss policy will include, but not be limited to:

- FBCSP Director
- FBCSP Child Support Case Specialist
- FBCSP Child Support Case Specialist/Lay Advocate
- FBCSP Child Support Financial Specialist
- FBCSP Process Server
- FBCSP Receptionist/File Clerk

- \*All Fort Belknap Finance Department Staff

- \*All Fort Belknap Tribal Court Clerk Staff

The Tribal Contract Attorney will be required to have his/her own errors and omissions insurance and to have a copy of this insurance policy on file in the Office of the Tribal Prosecutor.

### **D. ACCOUNTING NOTIFICATION PROCEDURES**

At a minimum of once a year and/or upon written request from the custodial parent, legal guardian and/or non-custodial parent, the Fort Belknap Child Support Program Office will send a notice identifying the amount of child support collected from the obligor parent(s) and disbursed on a monthly basis for the reporting year to the custodial parent/legal guardian for all FBCSP cases.

A copy of the child support notice of payments will be filed in the FBCSP case file and may be released to other tribal programs/agencies providing the appropriate release/exchange of information documents have been obtained/signed.

The child support notice of payments will include:

1. Name of the custodial parent/legal guardian receiving the child support payments.
2. Name of the non-custodial parent paying child support.
3. A monthly itemized listing of case child support payments and disbursements.
4. A copy of the payment log is attached.



**F. APPLICATION FEE OR FEE TO RECOVER COSTS IN EXCESS OF THE FEE**

The FBIC Court and/or Child Support Program will not charge program services application fees.

## CHAPTER V: CONFIDENTIALITY AND SAFEGUARDING PROCEDURES (45 CFR 309.65(a) (5))

**45 CFR 309.65(a) (5) Safeguarding procedures as specified under §309.80.**

*Note: Copies of all code and/or forms referred to in this chapter can be found in the appendix section at the end of the chapter.*

### A. PROGRAM PROCEDURES FOR ENSURING CONFIDENTIALITY

#### Policy

Information provided by clients, individuals or families, to the Fort Belknap Child Support Program (FBCSP) is extremely confidential.

It is the policy of the Fort Belknap Tribe and the Child Support Program to ensure the confidentiality of all client information by instituting very strict safeguarding procedures for all client information. Use and/or disclosure of personal information received by or maintained by the FBCSP is limited to purposes directly connected with the administration of the tribal IV-D, Title IV-A and XIX, or under applicable federal statutes and regulations related to child support and/or TANF programs.

The use and/or disclosure of personal information received by or maintained by the FBCSP is limited to purposes directly connected with the administration of the FBCSP or under applicable federal statutes and regulations related to child support and/or TANF programs.

These Rules to Ensure Confidentiality apply to:

1. The privacy rights of all parties involved in any child support related case handled by the FBCSP including unauthorized use or disclosure of information related to any court proceedings (establishment of paternity, establishment of child support, modification of child support, enforcement of child support orders.)
2. Confidential information to be protected includes but is not limited to any information that is privileged in nature such as income, assets, account numbers, Social Security Numbers, addresses, telephone numbers that would otherwise not be known if it were not for work performed in the FBCSP Office.
3. The prohibition of the release of information of the address/whereabouts of a parent/legal guardian or the child to another parent/party against whom a protective order with respect to the parent/legal guardian has been entered.
4. The prohibition of the release of information of the whereabouts of a parent/legal guardian or the child to another parent/party if the Child Support Program has reason to believe that the release of that information may result in physical or emotional harm to the parent/legal guardian or to the child.

## 1. FBCSP Staff Employment Safeguard

All FBCSP staff will sign a Confidentiality Agreement as a condition of employment.

The Program Director or his/her designee will explicitly explain to all new employees the seriousness of any violation of FBCSP Office Policies and Procedures related to safeguarding client information and case files.

By signing the Confidentiality Agreement, the new employee certifies that he/she has read and understands the FBCSP Office confidentiality policies and procedures and agrees, through his/her signature, to abide by them.

A copy of the Confidentiality Agreement will be provided to the employee with the original filed in the employee's FBCSP Office file.

Employee discipline for violation of FBCSP Office Policies and Procedures related to safeguarding client information and case files will be in accordance with the applicable **Fort Belknap Human Resources Personnel Policies** manual (*Sect 300: Employment Conditions; 310 Confidential Information; 310.1-310.2, pgs 19-20*), which includes employee suspension and/or termination for disclosure of confidential information retained/maintained by a tribal program.

## B. WHEN CLIENT INFORMATION WILL BE RELEASED

1. Client information will be released **only** for the specific purpose of carrying out the program duties of the FBCSP Office in the normal course of business to establish paternity; to establish, modify and enforce child support orders; and to locate parents and their assets.
2. Information regarding a FBCSP case may be released to the following party/entity during the processing of a child support related action:
  - a. FBCSP staff.
  - b. Fort Belknap Court judges and/or Clerk's Office staff.
  - c. Any state with which the Fort Belknap Tribe has a cooperative agreement to share information.
  - d. Any tribe with whom the Fort Belknap Tribe has a cooperative agreement to share information.
  - e. A court having exclusive and/or concurrent jurisdiction in a parentage, child support or abandonment proceeding/action.
  - f. The custodial parent, legal guardian, attorney or agent of the child.
  - g. An agency of the federal government, the Fort Belknap Tribe or any other state/child support program engaged in the establishment of parentage, a child support obligation or enforcement of support for a child in a legal action.
  - h. To Tribal Indian Child Welfare or Child Protective Services staff to report suspected abuse or neglect of a child or an adult.

- i. To tribal or state TANF programs for purposes of determining client eligibility for that program.
  - j. While ensuring anonymity, to track the use of services and statistics required by the FBCSP Office and/or federal grant reporting requirements.
3. Any release/exchange of information to any other parties and/or entities of confidential information maintained by the Fort Belknap Child Support Program Office **requires** a Release/Exchange of Information form signed by the custodial parent/legal guardian or the non-custodial parent. The release of information shall be limited to a specific activity or amount of time, not to exceed one year from date of signing i.e. Tribal TANF, Housing. Only the information relevant to the requesting agency or programs request will be released.
  4. Requests from the Fort Belknap Child Support Program Office for information from the Federal Parent Locator Service and the Federal Tax Refund Offset Program WILL be limited to individuals involved in active FBCSP Office cases.

### C. WHEN CLIENT INFORMATION WILL **NOT** BE RELEASED

Without a written request from the parent/legal guardian of the child, the Fort Belknap Child Support Program Office will not release information about one parent/legal guardian or the child to the other parent/legal guardian.

1. The Fort Belknap Child Support Program Office **WILL NOT** release information related to the address/whereabouts of the parent/legal guardian or the child to the other parent/party when a protective order with respect to the parent/legal guardians has been entered.
  - a. A copy of the protective order is to be placed in the office case file.
  - b. Office case file is to be specifically marked to indicate that there is a protective order in this case.*
2. The Fort Belknap Child Support Program Office **WILL NOT** release information on the whereabouts of a parent/legal guardian or the child to another parent/party if the CSP has reason to believe that the release of that information may result in physical or emotional harm to the parent/legal guardian or to the child.
  - a. A copy of any referrals related to suspected physical or emotional harm of the parent/legal guardian or the child are to be placed in a sealed section of the office case file.
  - b. Office case file is to be specifically marked to indicate that there are concerns of possible physical or emotional harm to parties in this case.*

## D. USE OF STANDARDIZED FORMS

1. Standardized forms authorizing the release and/or exchange of confidential information will be used by the Fort Belknap Child Support Program Office.
2. **Client request for the release/exchange of confidential information forms** will contain the following:
  - a. Name of client/requesting party
  - b. Date
  - c. Name, address and telephone number of party/entity to whom the information is to be released
  - d. Specific information to be released
  - e. Reason for the release of information
  - f. Notarized signature of the client/requesting party
  - g. Office response section including date request received, action taken and date any information was released.
3. **Non-client request for the release/exchange of confidential information forms** will contain the following:
  - a. Name of requesting party/entity
  - b. Contact information of requesting party/entity including address, telephone numbers and email address if appropriate/applicable
  - c. Date of request
  - d. Reason for requested information
  - e. Specific information requesting
  - f. Signature of party or agent if entity
  - g. Office response section including date request received, action taken and date any information was released.

## **E. PROCEDURES FOR DISCLOSURE OF INFORMATION**

1. All requests for disclosure of information shall be reviewed by FBCSP Office staff to determine if the requested information can be disclosed, with or without the client's consent, and whether the requested information can be disclosed to the requesting party.
2. If appropriate, FBCSP Office staff will notify the client that a request for information was received and request that the client sign a written consent for the release of the information.
  - a. If disclosure of the requested information falls within the program duties of the FBCSP Office in the normal course of business, failure of the client to sign/return the release of information request form will not prevent the disclosure of the requested information.
3. All **disclosures of information** will be documented in the case file and include the date of disclosure, person/entity receiving the information, nature of information disclosed and reason(s) for the release of information.
4. All **denials of disclosure of information** will be documented in the case file including the reason for denying the request.

## **F. STORAGE OF CLIENT INFORMATION AND FILES**

1. All client records and files shall be securely stored in order to protect the confidentiality of clients.
  - a. Files that are not immediately being worked on will be kept in locked fireproof file cabinets
2. All client records will be stored in locked fireproof cabinets in a secure room with a lockable door and which is inaccessible to the public.
3. All client files will be stored in locked fireproof cabinets at the end of each business day.

## **G. BREACH OF CONFIDENTIALITY OF CLIENT INFORMATION**

All FBCSP staff will follow the applicable Fort Belknap Child Support Program Office and Fort Belknap Tribe's policies regarding confidentiality as outlined in all FBCSP Office and/or Fort Belknap Tribe policy manuals including but not limited to the Fort Belknap Human Resources and Finance Policy and Procedure manuals. Personal Policies Manual section 500 attached.

Each FBCSP staff member is also bound by the Confidentiality Agreement he/she signed as a condition of employment and which confirms that the employee is fully aware of FBCSP Office and Fort Belknap Tribe policies regarding confidentiality.

## **CONFIDENTIALITY**

1. All current and future CSP staff members and employees will be required to comply with all safeguarding procedures that are applicable to all confidential information handled by the CSP and that are designed to protect the privacy rights of the parties, as outlined under 45 CFR 309.65 (a)(5).
2. All Fort Belknap Tribal CSP staff members and employees will be required to sign the IRS confidentiality Form and strictly abide by any and all IRS confidentiality requirements.

3. Sanctions in an amount not to exceed \$500.00 shall be imposed for the unauthorized use or disclosure of information covered by paragraphs (1) and (2).

FBCSP employees who knowingly violate this policy will be subjected to disciplinary action under the Fort Belknap Personnel Policies and Procedures, including the possibility of employment suspension and termination or civil action under the Fort Belknap Law & Order Code. Title V Family 2.4.

Any possible breach in confidentiality by a FBCSP employee will be immediately investigated in accordance with the applicable FBCSP Office and/or Fort Belknap Tribe's policy and procedure manuals.

If it is determined that there has been a breach of confidentiality by a FBCSP employee, the disciplinary actions as outlined in the FBCSP Office and/or Fort Belknap personnel manual (*Sect 300: 310 Confidential Information; 310.1-310.2, pgs 19-20*) will be implemented. Possible disciplinary actions include but are not limited to immediate suspension and termination of employment.

## **H. COMPUTER AND WORKSTATION SAFEGUARDS**

All FBCSP staff will comply with the following safeguards in terms of the office computer and workstations:

1. Documentation of User ID and Passwords will be maintained in a master file under control of the FBCSP Director for use in the event the employee is unavailable.
2. No sensitive client information and/or case documentation or files will be left exposed on FBCSP staff desks or in staff workspace when working with clients or non-FBCSP staff.
3. All client-related written documentation of any kind is to be properly filed in the appropriate client file in a timely manner.
4. All discarded/duplicate client documents will be properly disposed of by shredding via a crosscut shredder.
5. All client case files are to be stored in a locked desk drawer or office if staff is away from his/her desk for other than routine activities during the business day.
6. All client case files are to be stored in locked fireproof file cabinets in a secure room with a lockable door and which is inaccessible to the public at the end of each business day or when all FBCSP office staff are out of the office during normal business hours on a normal business day.
7. Each computer's screen must be set to automatically lock after a maximum of five (5) minutes. Anytime an FBCSP employee leaves their desk they will either log off of their computer or lock the computer.
8. Passwords should not be an obvious use of a name associated with the user (own name, family member or pets name, date of birth, address, etc.)
  - a. If tampering or compromised access is suspected, immediately inform the FBCSP Director, who shall contact IT (Information Technology) support.

- b. IT support should use all necessary means to obtain as much information about the incident (date, time, workstation used, missing files, and altered files), and submit a detailed report.
- 9. Workstation locations should not be within main entrances or high traffic areas. The workstation location should always allow the user to maintain control of his/her workstation.
  - a. No personal files will be kept on any workstation.
  - b. Games will not be installed on any computers.
- 10. FBCSP is prohibited from using the internet for personal or inappropriate purposes. Internet searched should be limited to work related tasks and research.
  - a. Accessing streamline media is prohibited, including downloading of music, videos, illegal software, questionable software, pornographic material, or any other files not ethical, professional, or legal.
- 11. If it is necessary to transport vital information through removable media (thumb drives, floppy disks, CD's, etc) staff must obtain approval from the FBCSP Director. The Director shall track the date and person making the request, review and approve the confidential IV-D information on the removable medium.



## CHAPTER VI: CASE RECORD MANAGEMENT PROCEDURES (45 CFR 309.65(a)(6))

**45 CFR 309.65(a)(6) Assurance that the Tribe or Tribal organization will maintain records as specified under § 309.85.**

*Note: Copies of all code and/or forms referred to in this chapter can be found in the appendix section at the end of the chapter.*

### A. RECORD MAINTENANCE

#### POLICY

The Fort Belknap Child Support Program will maintain all records necessary for the proper and efficient operation of the Fort Belknap Child Support Program Office. This includes but is not limited to the following:

- Documenting all client applications for child support services.
- Documenting all efforts to locate noncustodial parents.
- Documenting all efforts to establish paternity.
- Documenting all efforts to establish a child support order.
- Documenting all efforts to enforce child support orders.
- Documenting all efforts to modify child support orders.
- Maintaining financial records related to child support collections (arrearages owed, amount and source of collections, date of collection, source of the collection) and the distribution of child support collections.
- Maintaining records of all Fort Belknap Child Support Program expenditures.
- Maintaining records of any fees charged and collected.
- Maintaining statistical, fiscal and other records necessary for federal and/or tribal reporting and accountability purposes.

All case records maintained by the Fort Belknap Child Support Program Office will be retained for at least three years in accordance with 45 CFR 74.53.

## B. CLIENT CASE RECORD MANAGEMENT

1. All applications for child support services as well as all documents and documentation associated with a FBCSP case (locate documents, documents related to paternity establishment, establishment of a child support order and enforcement of a child support order, case correspondence, etc.) will be filed and maintained in a hard copy case file and when available a computerized case management database system.

Client hardcopy case files will include:

- a. Client application for child support services with required supporting documentation and client releases.
  - b. Information/records concerning efforts to locate the non-custodial parent.
  - c. Records on actions taken to establish paternity.
  - d. Records on actions taken to establish a child support order.
  - e. Records on actions taken to enforce child support orders.
  - f. Records on actions taken to modify child support orders.
  - g. Records on all child support related court hearings.
  - h. All client contact including in-person, telephone and written correspondence and actions taken on behalf of a client. Case notes will be very detailed with- who, what, where, when, and why questions answered. Documentation of conversations entered into case notes may not be erased. If a case specialist makes a mistake, they must make a new entry correcting or clarify the mistake. The director must approve the correction by initializing the entry. If there is contentious exchange, the case specialist shall summarize the discussion in written memorandum, including proposals for resolution of the issue(s).
  - i. Copies of all legal pleadings/records pertaining to the case.
  - j. For cases involving child support enforcement, the client case file will include child support amounts owed, amounts and sources of child support collections, and the distribution of child support collections.
  - k. Records of other costs specific to the case including but not limited to costs associated with genetic testing, service of pleadings and certified mailings.
2. **All** hard copy case files/records will be kept in a central filing area designated for the sole use of FBCSP staff. Access to client hardcopy and/or computerized client case files/records will be limited solely to access by FBCSP employees.
  3. Purge- case files will be purged annually. Purged documents will be shredded.  
**Closed** client case files/records will be filed separately from active client case files. Closed hardcopy client files will be filed alphabetically
  4. **Client** cases that have been **closed** for at least three years and which are not involved in an audit of any kind will be destroyed by shredding.

5. Fort Belknap Child Support Program Offices doors will be locked when staff are **not** in the FBCSP Offices and/or building where the program is housed. Client case files will be kept in a locked room and in locking file cabinets within the FBCSP Office space. All file cabinets will be locked except during normal business hours and/or when FBCSP Office staff needs access.

### **C. FINANCIAL RECORD MAINTENANCE**

1. All financial records pertaining to Fort Belknap Child Support Program operations and program expenditures will be kept in a secure filing location, separate and apart from any other tribal financial or court records. These records will be accessible solely by authorized personnel including the FBCSP Program Director, the FBCSP Financial Specialist, and any staff involved with the Fort Belknap Tribal Finance Department who have responsibility for maintenance of program-related financial records.
2. All FBCSP Office expenditure documentation will be kept in a secure filing location in the office area of the appropriate FBCSP Office staff. Expenditure documents will be accessible solely by authorized personnel including the FBCSP Program Director and the Financial Specialist.
3. All case-specific financial records associated with a **closed** FBCSP client case will be kept for at least three years. After three years, these financial records may be destroyed, unless the case is involved in an audit or litigation.
4. All FBCSP financial records will be maintained in a secure location for at least three (3) fiscal years. If any audit findings, litigation or claims involving financial records are still unresolved at the end of the three years, the financial record(s) will be maintained until all issues are resolved.

#### **D. ACCOUNTING FOR FEDERAL FUNDS AND COLLECTED CHILD SUPPORT MONIES**

1. Every Fort Belknap Tribal employee who receives, disburses, handles or has access to or control over Child Support Program funds will be covered by a bond against loss resulting from employee dishonesty.
2. Federal grant funds will be audited and accounted for under the same policies, procedures and safeguards that are applied to all other federal grants received by the Fort Belknap Tribe.
3. Child support collected by the Fort Belknap Child Support Program Office will be accounted for by keeping the following data:
  - a. Amount received.
  - b. Person or entity from whom the child support was received.
  - c. Child on whose behalf the child support was received.
  - d. Date of receipt of monies.
  - e. Person or entity to whom the child support monies were disbursed.
  - f. Date of disbursement of child support monies.

## E. CASE CLOSURES

*All Fort Belknap Child Support Program client cases closed will be in accordance with Fort Belknap Tribal Child Support guidelines which include but are not limited to:*

1. A FBCSP client case may be closed under certain circumstances:
  - The only or last child in the case has reached majority, become emancipated and/or is over the age of eighteen and not enrolled in school and there is no longer a current support obligation and there are no child support arrearages.
  - The Custodial Parent/Legal Guardian requests closure and no arrears are owed to the State or Tribe. (The CP must sign a Case Closure Request.)
  - The Non-Custodial Parent is deceased and no further action, including a levy against the estate, can be taken. Custodial Parent would be encouraged to seek Aid to Dependent Children under the Social Security Administration Act for dependent children.
  - The Non-Custodial Parent is unknown and all required efforts have been exhausted to identify the NCP.
  - The Non-Custodial Parent is a foreign citizen and there is no reciprocal agreement with his/her country.
  - Paternity cannot be established because:
    - a. The Alleged Father has been excluded by genetic testing and there are no other alleged fathers identified.
    - b. It is determined that it is not in the best interest of the child in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending.
  - Inability to locate the Non-Custodial Parent and all locate attempts have been exhausted for over a three-year period.
  - The Non-Custodial Parent is permanently disabled. If the NCP is permanently disabled, the Custodial Parent will be encouraged to seek assistance from the Social Security Administration as there may be a child's benefit under the NCP's disability classification.
  - The Custodial Parent in the case is deceased. The FBCSP Office would work with the child(ren)'s legal guardian if the children do not reside with the Non-Custodial Parent for the continued collection of the NCP's child support obligation for the minor children.
  - Loss of contact with the Custodial Parent within a 60-calendar day time period and all attempts to contact the CP have been exhausted.

## 2. Verification Required:

- If the case is being closed due to loss of contact with the Custodial Parent, all attempts to contact the CP must be documented in the case file.
  - If the case is being closed due to the death of the Custodial Parent, verification that the CP is deceased must be confirmed through either an obituary or some other form of death announcement or Death Certificate.
  - If the case is being closed because the children no longer live with the Custodial Parent, this must be verified either through a written statement from the Custodial Parent or through at least two collateral contacts who are familiar with the Custodial Parent. The case may also be closed upon receipt of notification from the Fort Belknap Tribal Social Services /Foster Care Program that a child has gone into foster care and no longer resides with the CP.
  - If the case is being closed at the written request of the applicant/Custodial Parent, the CP's written request is to be filed in the case file.
  - Potentially, the FBCSP Office could receive a request that a FBCSP client case be closed from another state or Tribal IV-D agency. The FBCSP Specialist will review the FBCSP case and make a determination whether the case should be closed. If the case should *not* be closed, the FBCSP Specialist is responsible for contacting the other state or Tribal agency no later than five (5) business days after receipt of the request to discuss the case closure request.
  - The FBCSP Specialist must always document the case file regarding any potential or actual case closure, the reason and the date an action was taken.
3. The FBCSP Specialist must also review the case circumstances to determine if additional actions need to be taken in the case.
  4. Upon receiving approval to close a case, the Case Specialist shall send a Case Closure notice to the CP and NCP informing them of the reason for the case closure and the time and manner in which to contest the closing.

For example, if the NCP was under income withholding and the court order is no longer in effect or has been terminated, the case needs to be reviewed to see whether there are any arrearages. If there are arrearages, the income withholding order needs to be modified to include only the amount to be withheld to satisfy the arrearages. If there are no arrearages to be collected, the Child Support Specialist needs to issue a Notice of Termination of Income Withholding to the employer.

5. If there is no response or objection from the parties, the Case Specialist shall prepare a Referral for a motion and order to close the case
6. Once the case has been closed, the hardcopy case file needs to be labeled as closed and filed in the Closed Case file storage area.

6. If appropriate the Child Support Specialist also needs to close out the client case file in the computerized case management database system identifying when the case would be scheduled to be purged.
  
8. Contact after the Case Has Been Closed
  - a. If the Custodial Parent in a Closed Case contacts the FBCSP Office thirty (30) days or more after the case has been closed, the CP may be required to complete a new application for child support services.
  
  - b. If the case has been closed for less than thirty (30) days, the case may be reopened upon verification of the Custodial Parent's current intake information. The FBCSP client case number will remain the same as long as the same party is re-applying for child support services.

**NOTE:**     *If a new party is applying for child support services for the same children, then a new case must be created.*