

**WHITE EARTH BAND OF OJIBWE LAW AND ORDER CODE  
TITLE 6 – FAMILY RELATIONS CODE**

**CHAPTER 10B – ESTABLISHMENT OF THE WHITE EARTH NATION  
CHILD SUPPORT PROGRAM; DUTIES**

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**§10B.01**      **Title**

This Chapter shall be referred to as the “White Earth Nation Child Support Program” or “WEN CSP.”

**§10B.02**      **Definitions**

For purposes of this Chapter, the following definitions apply:

1. “IV-D” means title IV-D of the Social Security Act, under which the federal government provides funds to tribes and states to administer child support programs that provide services related to child support.
2. **“IV-D case”** means a case where a party has applied for child support services from the child support enforcement agency or has assigned to the Tribe or State rights to child support because of the receipt of public assistance under title IV-D of the Social Security Act, United States Code, title 45, section 309.
3. “WEN CSP” means the White Earth Nation Child Support Program.
4. “White Earth Nation Child Support Program” means the tribal child support enforcement agency, which provides child support enforcement services to children and families and is authorized to seek:
  - a. Location of obligors or their assets and obligees;
  - b. Determination of parentage;
  - c. Establishment or modification of child support; and
  - d. Enforcement of support orders or laws relating to the duty of support.

**§10B.03**      **Findings**

The White Earth Nation has enacted this Chapter recognizing the following:

1. The Tribe has historically placed a great emphasis on the needs of its youth and families;
2. Under traditional Ojibwe values, children are viewed as sacred and they are the Tribe’s most important resource;
3. The White Earth Nation has a compelling interest to promote and maintain the health and well-being of tribal children and families;
4. The White Earth Nation acknowledges the financial difficulties and hardship facing many tribal children due to a lack of parental support;
5. The non-support of tribal children by their parents is not in keeping with Ojibwe values; and

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6. The White Earth Nation finds that it is in the best interests of the Tribe to make laws which establish a tribal child support agency in an effort to offer the community effective, fair, accessible, and culturally appropriate child support services.;

**§10B.04**      **Purpose**

The purpose of the White Earth Family Relations Code, Title 6, Chapter 10B, is to formally establish the White Earth Nation Child Support Program as the tribal agency chargeable by law for providing the full range of child support services to the community. The WEN CSP will work with the Tribal Court to reaffirm tribal sovereignty and tribal self-determination by providing for the exercise of the greatest possible Tribal jurisdiction over the greatest number of child support cases involving tribal children and families.

**§10B.05**      **Vision and Mission of the White Earth Nation Child Support Program**

It is the vision of the White Earth Nation that families receive culturally appropriate and effective services and that parents are motivated to provide their children with quality child support. The WEN CSEP shall advocate for children and their need for regular child support and strives to improve their well-being.

**§10B.06**      **Authority and Responsibility of the WEN CSP – Provision of Child Support Enforcement Services; Cooperation with Other Child Support Programs**

The WEN CSP has the authority and responsibility to provide child support enforcement services to the White Earth community and to cooperate with other child support programs. The duties of the WEN CSP include:

1. To act as the official agency for the White Earth Nation in any child support enforcement activities not otherwise by law made the responsibility of another tribal agency.
2. To develop, implement, and maintain the WEN CSP comprehensive Tribal Plan in compliance with federal child support regulations.
3. To ensure that the WEN CSP continues demonstrate its capacity to operate a Tribal IV-D Program by meeting the required elements under 45 CFR 309.65(a) and any other related federal regulations.
4. To develop, implement, and maintain policy and procedures, forms, and worksheets necessary to carry out the responsibilities of the WEN CSP in conformity with tribal code, the WEN CSP Comprehensive Tribal Plan, and all other federal and tribal child support regulations.
5. To provide or arrange for child support services to children and families who come to the WEN CSP for assistance. The services the WEN CSP shall provide include establishing paternity, where necessary, locating parents who are legally liable for the support of the child, and securing and distributing support for the child.

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6. To respond to and extend prompt services to other child support enforcement IV-D programs who refer IV-D cases to the WEN CSP for assistance.
7. To administer income withholding and the receipt and disbursement of child support payments.
8. To create and maintain a central payment center for the purpose of receiving, processing, and disbursing payments, and for maintaining a record of payments, in all cases in which the Court orders that payments for child support be made. The central payment center is authorized to engage in the electronic transfer of funds for the receipt and disbursement of funds.
9. To create and maintain a case record which contains records necessary for the proper and efficient operation of the WEN CSP and to ensure compliance with the WEN CSP Comprehensive Tribal Plan. The WEN CSP shall comply with the retention and access requirements of 45 CFR 74.53, including retaining records for at least three years. The case record must contain records with respect to:
  - a. Applications for child support services;
  - b. Efforts to locate noncustodial parents;
  - c. Actions taken to establish paternity and obtain and enforce support;
  - d. Amounts owed, arrearages, amounts and sources of support collections, and the distribution of such collections;
  - e. IV–D program expenditures;
  - f. Any fees charged and collected, if applicable; and
  - g. Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary.
10. To establish and implement a set of performance measurements for paternity establishment, support order establishment, amount of current support collected, amount of past due support collected, and any other performance measurements in order to ensure the proper and efficient operation of the WEN CSP and to incorporate into federal reports.
11. To cooperate with and seek the cooperation and involvement of all appropriate public and private agencies including other tribal and state IV-D agencies, social services, public assistance, foster care, law enforcement and any other agency or organization providing or concerned with child support enforcement with the goal of providing services, effectively carrying out its duties, and achieving the purposes of this Chapter and other child support laws under the White Earth Family Relations Code. The WEN CSP may negotiate working agreements with other jurisdictions, political subdivisions, and private entities, subject to approval by White Earth Nation Tribal Council.
12. To strive to provide child support services to the community with dignity, respect, and fairness.
13. To take such action and adopt procedures as may become necessary to entitle the Tribe to receive funds from the federal government under title IV-D.

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**§10B.07      Program Participation and Funding**

1. The WEN CSP and the Tribal Court are authorized to participate in any approved federal, state, tribal, and public or private agency programs to carry out the purposes of this Chapter, subject to approval of the Tribal Council.
2. The Tribal Council shall work jointly with the WEN CSP to address the provision of adequate support by the community's parents to their children and to provide supplemental agency funding subject to the discretion of the Tribal Council.