

**Testimony**  
**Interim Tribal and State Relations Committee**  
**Representative Merle Boucher, Chairman**  
**June 30, 2008**

Chairman Boucher, members of the Tribal and State Relations Committee, I am Mike Schwindt, director of the award winning Child Support Enforcement program with the Department of Human Services. I am here to provide an update of the interactions between the tribes and the state on child support enforcement services since our discussions in January.

Three Affiliated Tribes. The cooperative agreement between the Tribe and North Dakota has opened several new doors for collaborating between programs. Under the agreement, staff of the Three Affiliated Tribes' child support program were given access to view the information stored on our automated system. The staff received a second round of training on the automated system in early June and are now using that access to work their own cases without needing the State's help. This level of information sharing is very rare, even between state child support enforcement programs that have operated for many more years, and puts the Tribe and North Dakota at the forefront of inter-jurisdictional collaboration.

At the Tribe's request, we are assembling a list of obligors employed on the reservation so the tribal program can issue income withholding orders to their employers. Also at the Tribe's request, we are beginning to refer cases to the tribal program that could not move forward in state court. These steps will greatly enhance the support provided to tribal children served by both programs.

We have historically assisted the Tribal court in conducting genetic tests through our Minot office. Now, the Tribal program has its own access to genetic testing services and we are working with the Tribe and Legal Assistance of North Dakota, which is often involved in these cases, to have the tests conducted locally rather than in Minot. In our upcoming procurement for genetic tests, we will seek offers that extend any discounted price we receive to the Tribal program as well.

The ongoing discussion between the Tribe and the State on jurisdictional issues is leading to the development of additional work aids and guidance that will be reviewed by our tribal workgroup in its meetings this summer and will be available statewide for working with other reservations. The approach taken in these documents is consistent with guidance provided by the United States Supreme Court in an opinion issued just last week.

On June 11, 2008, the federal government proposed new regulations regarding funding for Tribal computerized enforcement systems that may allow for expansion of the Tribe's use of our automated system to support its program.

Standing Rock. This is another area where we are pleased to see progress. At times, we have had difficulty in obtaining copies of court documents or payment ledgers from tribal court, which led to overstated arrears balances. An attorney from our Bismarck regional office is filing motions and briefs in Tribal court, and we are looking forward to registering income withholding orders through Tribal court so they may be issued to Tribal employers. Again, this will help provide support to Tribal children.

Turtle Mountain. Unfortunately, interactions with the Tribe have not been as successful this year as with other tribes. We backed out after your January meeting and will return after the underlying issues are resolved. In the meantime, cases with concurrent jurisdiction that we would have taken to tribal court are now moving into state court since that is the avenue available to us. We remain hopeful that we will soon be able to return to Tribal court.

That concludes my testimony. I'd be happy to answer questions.