

Testimony
Interim Tribal and State Relations Committee
Senator David O'Connell, Chairman
September 26, 2011

Chairman O'Connell, members of the Interim Tribal and State Relations Committee, I am Jim Fleming, Director of the Child Support Enforcement Division of the Department of Human Services. I am here to provide information regarding child support enforcement in Indian country.

Tribal children are a significant component of the caseload for our program. Usually, these cases are the result of a referral from the Temporary Assistance for Needy Families (TANF) or Medical Assistance programs 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 children 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. Other cases are less clear, particularly if one or both of the parents now lives off the reservation.

Our total program caseload as of September 1, 2011, was 39,610, with 2,042 of those cases identified as being unable to move forward for jurisdictional reasons. This number is down fifty percent from three years ago (4,177 cases out of 41,142). I believe there are three main reasons for this significant success.

First, as each case is reviewed at 6-month intervals, the Department looks carefully to determine whether some enforcement actions can occur, such as suspension of state-issued driver licenses. In addition, each new decision of the North Dakota Supreme Court in this area allows the Department to provide more guidance to staff on analyzing the jurisdictional issues in these cases.

Second, during the last three years, the Three Affiliated Tribes have begun operating their own federally-funded child support enforcement program.

Third, and perhaps most importantly, we have worked with the tribal courts in North Dakota to allow Department attorneys to appear and request tribal court orders establishing and enforcing tribal court obligations.

Mr. Chairman and members of the committee, we will continue to work internally and with the tribes to improve our services for tribal children, but are pleased to share with the committee the success that has occurred in just the last three years.

That concludes my testimony. I would be happy to answer any questions that the Committee may have.