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## **Tribal Child Support: Final Report**

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## **ABSTRACT**

Within the United States, tribes and tribal consortia are authorized and funded to operate Title IV-D child support programs to serve tribal families. Today, 60 federally-recognized sovereign tribes and tribal consortia in 22 states implement Title IV-D tribal child support programs, including nine tribal nation programs in Wisconsin (National Tribal Child Support Association, n.d.; Office of Child Support Enforcement, 2018). This literature review systematically reviews and synthesizes existing published research related to tribal child support processes and outcomes within the context of the nine tribal nations operating programs in Wisconsin. The goal of the review is to thematically analyze published bodies of knowledge while recognizing significant gaps in the formal academic literature and the need to expand the research lens within this scholarship to include different ways of knowing and culturally responsive evaluation practices.

We provide an overview of laws and policies that shape tribal child support programs; investigate the demographic and economic contexts of tribal communities; describe state and tribal program implementation; summarize the small body of academic research regarding tribal child support programs and outcomes; and conclude with opportunities for future investigation. This review identifies significant gaps in the traditional academic literature regarding this area of study. We conclude that important considerations regarding tribal sovereignty; differing conceptions of family structures in Indigenous communities; and cultural, demographic, and economic contexts must be developed in future literature. We also caution against generalizing across tribal child support programs as their inherently unique designs make such generalizations difficult and imprudent. Further, we highlight a need for community-driven future research that places the interests and needs of tribal communities at the center of efforts.

## INTRODUCTION

Child support programs are enacted by federal, state, or tribal governmental bodies to improve the well-being of children via their core mission: "...to locate parents and their assets; establish paternity; establish, modify and enforce child support orders; and distribute child support payments" (Office of Child Support Enforcement, 2018). And while the functions of establishment and enforcement have remained at the center of such programs, the federal Office of Child Support Enforcement (2018) concurrently recognizes the need for programs to continually improve and evolve. Acknowledging that the Child Support Enforcement program originally implemented in 1975 was not sufficiently meeting the needs of tribal families, policymakers authorized funding for tribes to operate their own Title IV-D Child Support Enforcement programs via the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) in 1996. Today, 60 federally-recognized tribes and tribal consortia in 22 states implement sovereign tribal child support programs (National Tribal Child Support Association, n.d.; Office of Child Support Enforcement, 2018).<sup>1</sup>

The goal of this literature review is to thematically analyze published bodies of knowledge on the topic of tribal child support processes and outcomes within the context of nine tribal nations operating programs in Wisconsin while recognizing significant gaps in the formal academic literature as well as the need to expand the research lens of this scholarship to include new ways of knowing and culturally responsive evaluation practices. The review begins by introducing child support laws and policies that shape tribal programs. We then offer demographic and economic contexts of tribal communities, describe state and tribal program

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<sup>1</sup>In F.Y. 2021, OCSE received and approved an application for an additional two-year start-up program (OCSE, 2021c).

implementation, and summarize the small body of academic research regarding tribal child support programs and outcomes. Finally, we suggest opportunities for future investigation.

### **Policy and Law Context**

Child support policy is enacted by law and enforced judicially; the facilitation of child support cases by governmental and judicial branches should be objective, fair, and just to all parties involved and with focus on establishing the optimal support for a child given the social-economic context of the parents (Cornell Law School, n.d.; Milwaukee County Child Support Services, 2017; Office of Child Support Enforcement, 2013). Thus, policy and legislation play significant roles in establishing child support programs in the United States.

The Social Security Act Title IV-D of 1975 established the federal child support program in the United States (Larry, 2018; Office of Child Support Enforcement, 2018). As a result, child support programs are often referred to as Title IV-D programs; they are utilized in all states and have a legal basis in federal and state policy (Office of Child Support Enforcement, 2018). However, tribal child support programs differ from state programs by having a legal basis in specially developed tribal policies and federal regulations, which allow the federal government to lend support in creating such programs (Office of Child Support Enforcement, 2018). Such policies shape the tribal child support development process, especially the federal funding mechanisms.

In the context of tribal implementation, OCSE (2018) notes, "...funding for Indian Tribes and tribal organizations is authorized under section 455(f) of the Social Security Act, as added by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996...and amended by the Balanced Budget Act of 1997." Furthermore, PRWORA allowed the authority to establish and directly fund tribal child support programs (Office of Child Support Enforcement, 2018).

Funding of initial tribal programs began in 2004 after the OCSE and tribal nations developed the first tribal child support programs, including collaboratively developed tribal regulations for program implementation. The result of this collaboration was the Final Tribal IV-D Program Rules document, which has been published in the Federal Register (National Archives and Records Administration, 2022a, 2022b, 2022c) and provides mechanisms for developing and improving tribal child support programs (Office of Child Support Enforcement, 2018). In addition, funding of tribal programs is dictated by the aforementioned federal regulations, which also establish a system that tribal programs must follow during development.

Outlined by federal regulation (National Archives and Records Administration, 2022a), tribal child support programs are developed in clearly defined stages, with each having requirements tribes must satisfy, as well as variations in funding amounts (Office of Child Support Enforcement, 2018). The establishment of a tribal child support program is always initiated by a tribe and begins with submitting a Program Development Plan to the U.S. Department of Health and Human Services (HHS), consisting of 14 required program components (Office of Child Support Enforcement, 2018). These components include the following, all of which are required to be satisfied before approval of funding can be awarded (Congressional Research Service, 2016, p. 8):

- (1) a description of the population subject to the jurisdiction of the tribal court or administrative agency for child support purposes,
- (2) evidence that the tribe has in place procedures for accepting all applications for C.S.E. services and providing C.S.E. services required by law and regulation,
- (3) assurance that due process rights are protected,
- (4) administrative and management procedures,
- (5) safeguarding procedures,
- (6) maintenance of records,

- (7) copies of applicable tribal laws and regulations,
- (8) procedures for the location of non-custodial parents,
- (9) procedures for the establishment of paternity,
- (10) guidelines for the establishment and modification of child support obligations,
- (11) procedures for income withholding,
- (12) procedures for the distribution of child support collections,
- (13) procedures for intergovernmental case processing, and
- (14) tribally determined performance targets.

In addition to these requirements, there must be a minimum of 100 children under the age of adulthood (defined by tribal law or code) within the jurisdiction of the tribal court or administrative agency (Congressional Research Service, 2016). These requirements are unique to tribal child support implementation processes, with some sources noting that such requirements create barriers for tribes that don't yet have a program (Congressional Research Service, 2016).

Once the Program Development Plan is received and approved by OCSE, the program will be considered a Start-Up Program; this allows the tribe to access \$500,000 in federal funds, distributed over two years, to establish the child support program ([45 CFR 309.16], National Archives and Records Administration, 2022c; Office of Child Support Enforcement, 2018).

These start-up funds do not require a tribal match and are intended to establish the child support office, hire staff, purchase any supplies to run the office, and/or develop tribal policies to meet federal regulatory requirements. At the end of the two years, the Start-Up Program submits a finalized Comprehensive Program Plan, which details program implementation for the program's first three years and beyond (Office of Child Support Enforcement, 2018). Once approved by OCSE, the tribal child support program is considered a Comprehensive Program for three years and receives federal funding from OCSE to cover 90% of the operating budget, while the tribe



must contribute the remaining 10% of the operating budget (Office of Child Support Enforcement, 2018). In the last stage, and at the beginning of the program's fourth year, OCSE changes its funding amount to contribute 80% of the operating budget, while the tribe is required to contribute the remaining 20% of the operating budget (Office of Child Support Enforcement, 2018). We turn next to the topic of tribal sovereignty, which underlies the unique relationship and political standing that tribal nations have within the United States government.

### **Tribal Sovereignty**

Tribal sovereignty is a complex and often debated concept in Indigenous communities and tribal governments. However, within the geographic context of the United States, tribal sovereignty is unique to American Indian and Alaskan Native (AI/IN) groups subject to a history dominated by colonialization and attempted termination of Indigenous peoples whose populated lands are now claimed by the United States. Briefly put, sovereignty refers to “supreme political authority, independent and unlimited by any other power” (Alfred, 2002, p. 460). Sovereignty in the context of American Indian and Alaskan Native peoples establishes recognition by the United States Constitution of tribes as distinct governments with the same powers as the federal government, allowing for the creation of self-determined forms of government, regulation of internal affairs, enactment of laws, and enforcement of said laws through judicial systems related to law enforcement and courts (National Conference of State Legislatures, 2013). However, this perspective is rooted mainly in a Western colonialist understanding of what tribal sovereignty allows for, which provides little historical context crucial to understanding sovereignty through an Indigenous lens.

Director of the American Indian Studies program at Iowa State University, scholar Sebastian Braun, explores American Indian sovereignty and history through an Indigenous lens.

Braun emphasizes that tribal sovereignty has been continuously threatened in real and theoretical ways since its establishment. For example, Braun (2013) states that the very epistemology of sovereignty is colonial in nature, belonging to the dominating sovereign government, and directly opposing traditional Indigenous philosophies, resulting in a historically feeble realization of tribal sovereignty and one that allows for exploitation of Indigenous communities and their ancestral lands.

In addition, Braun describes ongoing attempts at assimilation by the state, which is often met with resentment by tribes. For example, the practice of giving “small” measures of self-administration to Indigenous communities, along with increased monetary incentives, can be perceived as an attempt to buy them over and bring Indigenous communities closer to state entities. Indeed, these perceptions and practices of assimilation may challenge tribal child support programs, which operate within intergovernmental funding structures.

In sum, Braun’s exploration of current Indigenous ways of knowing, Indigenous identity, and perceptions of sovereignty exemplify the divergent and frequently opposing ideologies held by tribal systems and other governmental systems in the United States. The foreign concept of sovereignty was placed upon and adapted into Indigenous identity. While sovereignty is often framed as a benefit to Indigenous communities, the assigned sovereign title, which theoretically should have no value from an uncolonized Indigenous lens, has led to renewed tribal discourse and heightened caution toward intergovernmental collaborations.

As detailed above, the unique policy and law context around tribal child support shape how programs are developed and implemented by tribal nations. Ultimately built upon the unique sovereign status of tribal nations and their peoples, numerous federal regulations establish tribal child support programs as examples of intergovernmental collaborations and relationships

between the United States and the 60 federally recognized sovereign tribal nations that operate such programs (Office of Child Support Enforcement, 2018). As discussed later in this review, tribal child support programs are allowed greater flexibility in some aspects of program implementation (e.g., methods of collecting orders that are informed by Indigenous perspectives); however, they are also bound to federal program requirements that may be at odds with Indigenous ways of knowing, identity, perceptions of assigning value, sovereignty, and potentially even the goals OCSE has for tribal child support agencies. For example, if the goal is to implement culturally appropriate child support programs for tribal communities while also respecting tribal sovereignty, then requiring tribal nations to establish Western-style judicial systems or adapt other non-Indigenous systems into their government certainly challenges the notion of respecting tribal sovereignty.

### **Federal Agency Organizational Context**

The Administration for Children and Families (ACF) directs a variety of programs that impact families and children in the United States, including the OCSE (Office of Child Support Enforcement, 2018). One of OCSE's goals is to "provide direction, guidance, technical assistance, and oversight to state and tribal child support enforcement (CSE) program offices," (Administration for Children and Families, 2005, p. 1) primarily through the OCSE Division of Special Staffs, who are assigned to work with tribal CSE programs (Office of Child Support Enforcement, 2018). Similarly, ACF employs federal CSE staff at each of its ten regional offices to work directly with tribal and state programs on implementation. Regional and central offices also "collaborate to assess state and tribal needs and provide technical assistance, policy clarification, training, and support for CSE programs" (Congressional Research Service, 2016, p. 8).

OCSE provides the following services to tribal programs, similar to those provided to state programs: conduct site visits; host regional, state, and tribal meetings; review state and tribal plans and related legislation; share best practices; provide training for specific program areas; help resolve problems; promote efficiency and effectiveness; and ensure programs adopt and conform to federal laws, regulations, and policies (Office of Child Support Enforcement, 2021b). In addition, the Administration for Native Americans within the U.S. Department of Health and Human Services offers additional support to OCSE, and the Native American Advisory Council was created to function as an agency workgroup to support the Assistant Secretary for Children and Families, the Commissioner of the Administration for Native Americans, and all ACF programs and regional offices that provide services to Native Americans (Administration for Children and Families, 2018).

### **Implementation of Child Support Programs**

Considering the unique policy context in which tribal child support programs operate and their stated goals of providing culturally responsive programs, we provide a brief description of similarities and key distinctions between State and Tribal Title IV-D programs.

#### ***State Child Support Programs***

Within the United States, all states offer a Title IV-D child support program and work with federal agencies like OCSE to ensure implementation follows federal regulations (Office of Child Support Enforcement, 2013, 2021a). Additionally, the Office of Child Support Enforcement (2013) notes that state agencies follow established program goals, measures, and practices that are in line with federal policy and regulations. This results in a fairly standardized process in which a parent submits an application to their local child support office or a public assistance program issues a referral to the child support office (Office of Child Support

Enforcement, 2021a). Once an application or referral is received, the child support agency works to fulfill its required duties, including locating a parent, establishing paternity, establishing child support orders, reviewing and modifying child support orders, enforcing collections of child support payments, distributing child support payments, and establishing and enforcing medical support for children. Methods utilized when enforcing or collecting late payments may vary, including withholding child support from unemployment or worker's compensation benefits, intercepting income tax refunds, and reporting delinquent child support payments to credit bureaus (Office of Child Support Enforcement, 2021a).

Enforcement and jurisdiction of orders are also standardized among state agencies, with mandatory adoption of the Full Faith and Credit for Child Support Orders Act and the federal mandate that all states enact the Uniform Interstate Family Support Act (UIFSA) to ensure that “there is only one valid child support order that can be enforced for current support” (Office of Child Support Enforcement, 1995, 2013). This universal system mandated by the federal government for state agencies allows for state-spanning systems, such as a “Central Registry to receive incoming interstate child support cases, [ensuring] that the information given is complete, send cases to the right local office, and respond to inquiries from out-of-jurisdiction child support offices” (Office of Child Support Enforcement, 2013).

Child support program performance measures are also established by federal law, such as measures outlined by ACF's Government Performance and Results Act (GPRA) regarding child support programs (Office of Child Support Enforcement, 2020b). These measures include: maintain annual child support distributed collections; 2) maintain the paternity establishment percentage among children born out of wedlock; 3) increase the percentage of IV-D (child support) cases having support orders; 4) maintain the IV-D (child support) collection rate for

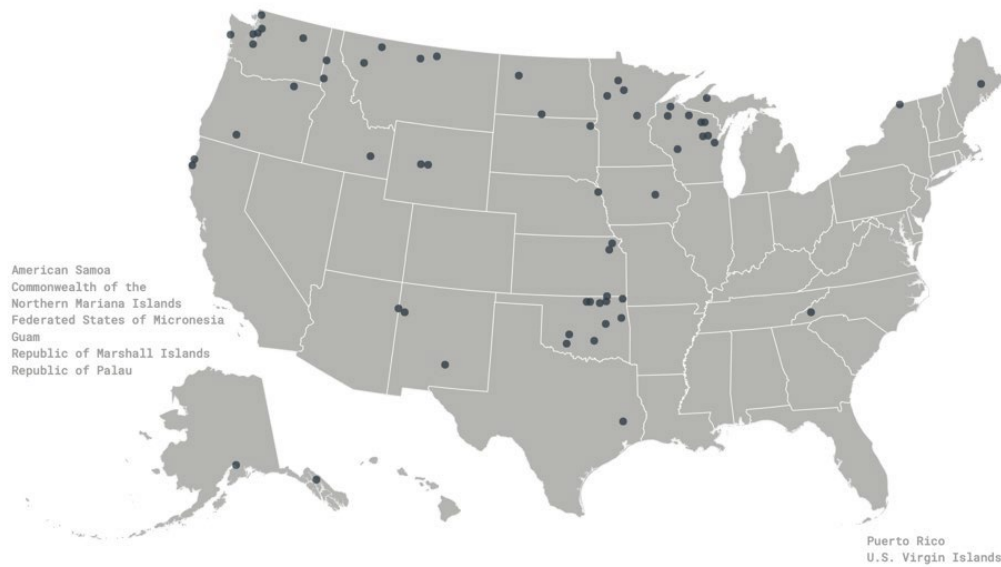
current support; 5) increase the percentage of paying cases among IV-D (child support) arrearage cases; and 6) maintain the cost-effectiveness ratio (total dollars collected per \$1 of expenditures (Administration for Children and Families, 2020)

Reflecting a newer focus on a more holistic approach to working with parents, state agencies may also pursue collaborations with organizations like health care services, employment programs, family violence centers, or other services that can address barriers or challenges that may be outside the scope of state child support agency directives but may directly benefit clients and improve program performance (Office of Child Support Enforcement, 2020d). In summary, state child support programs, while implemented by each state individually, are primarily informed by federal policy, regulations, and performance measures, which shape programs' goals and implementation. Tribal child support programs also follow federal guidelines but may have greater flexibility in some aspects of program implementation compared to state programs in order to fulfill their goals of providing culturally responsive services.

### ***Tribal Child Support Programs***

Currently, 60 tribal child support programs, depicted in Figure 1, operate in partnership with federal and state governments to provide culturally informed services to Indigenous communities, with implementation informed by and often administered by members of that community (Office of Child Support Enforcement, 2018). In 2020, these programs oversaw 57,009 cases and collected \$57.8 million in child support orders (Office of Child Support Enforcement, 2021a). States with the most tribal child support programs include Oklahoma (10 programs), Wisconsin (9 programs), and Washington (8 programs).

**Figure 1. Map of Tribal Child Support Programs across the United States**



**Note:** Reprinted from Tribal Child Support Programs by the Office of Child Support Enforcement, July 2021. Retrieved from [https://www.acf.hhs.gov/sites/default/files/documents/OCSE%20--%20tribal\\_handout.FINAL%207.22.2021.pdf](https://www.acf.hhs.gov/sites/default/files/documents/OCSE%20--%20tribal_handout.FINAL%207.22.2021.pdf)

As previously described, federal policy and regulations directly allow for current intergovernmental systems to fund new and existing tribal child support programs across the United States. As with state agencies, OCSE plays a significant role in the implementation of tribal child support programs; thus, resulting in significant similarities between the two. For example, tribal child support programs must offer the same general services state agencies do, as dictated by federal law (Congressional Research Service, 2016). One exception is that, unlike states, tribal governments are not required to enact policies that standardize intergovernmental processing of child support orders (i.e., the Full Faith and Credit for Child Support Orders Act and UIFSA) (Office of Child Support Enforcement, 2013). Additionally, similar performance measures utilized for state programs are also used to evaluate tribal agencies' performance and can generally be categorized as performance related to collections, caseloads, and cost-effectiveness (Office of Child Support Enforcement, 2018).

Measures reported annually to Congress, for example, include amount of collections (distributed and forwarded to other tribes or states), expenditures (outlays), caseload, number of children with paternity concluded, support orders, current support due and collected, and past due support owed and collected (Office of Child Support Enforcement, 2019). According to the latest data available (FY 2019), the 9 tribes operating programs within Wisconsin had caseloads ranging from 94 to 3,210, with a total of 8,420 established support orders. These orders generated a total of over \$11.7 million in total distributed collections (including collections forwarded to other tribes and states) with total expenditures of approximately \$5.9 million.

These performance measures may be culturally inappropriate, however, as they do not appear to be determined by tribal communities, and they may not reflect community values or tribal child support program goals. For example, testimony from a tribal Title IV-D Director at the 2016 Annual National Association of Tribal Child Support Directors Conference spoke to the inadequate measures of success and forced requirements placed on tribal child support agencies. After detailing his agency's numerical outcomes related to caseload, collections, and cost-efficiency, he asked, "Do those numbers indicate success, and is that success attributed to a commitment of tribal resources?" and then stated, "No, my team and I work for loftier goals..." (Thompson, 2016). Indeed, the impetus for this Child Support Policy Research Agreement task stemmed from a discussion with tribal child support staff regarding their concerns about the poor fit of performance measures with their programs' goals and broader impact on the community.

Federal reports imply ranking of tribal child support programs against each other based on OCSE performance measures. For example, a 2016 Congressional Research Services report stated that the Navajo Nation had the greatest collections to expenditures ratio (i.e., total tribal CSE collections ÷ total tribal CSE expenditures = collections-to-costs ratio) and was therefore "a



very effective” child support program. However, such ranking goes against sentiments stated by the Ho-Chunk Nation Title IV-D director, Linda Moser-Buse, at an annual meeting with fellow Wisconsin Tribal Child Support directors: “It amazes me how well the tribal agencies work together and how much encouragement is given to one another to succeed. This is not a big competition—we all want what is best for the children of our tribe” (Garvin, 2019). Furthermore, such measures may not accurately reflect culturally appropriate goals and outcomes in child support implementation, where tribes may demonstrate the most diversity and potential divergence from typical state programs: methods of determining payment amounts and enforcing orders.

It is important to note that the following methods are not universally adopted by all tribes who implement child support programs; however, they represent unique ways of adapting traditional child support activities to better meet tribal community needs. For example, alternative enforcement methods may include utilizing grandparent mediators in collecting late payments and empowering tribal governments to garnish per capita income or individual Indian money accounts to pay for child support (Office of Child Support Enforcement, 2013). In addition, some tribes have established child support court orders that allow for non-monetary forms of support. While noted as rare, in these unique cases, the payment conditions are specific to the tribe’s culture and traditions and have been known to include items like fish, firewood, deer meat, repairs for the home, or other services approved by the tribe (Bareilles, 2020; Office of Child Support Enforcement, 2022b). Additionally, the Congressional Research Service (2016, p. 14), documented the following methods in which Tribal Child Support programs have enforced orders and performed income withholding:

- (1) some non-paying non-custodial parents are required to explain to an Elders’ Panel why they are not supporting their children;

- (2) some tribes allow per capita payments to be intercepted to meet child support obligations;
- (3) tribes with casinos may be able to withhold past-due child support (i.e., child support arrearages) from the winnings of tribal members;
- (4) reservation fishing taxes;
- (5) reservation hunting and fishing license suspension;
- (6) gaming license suspension; and
- (7) in cases where a non-custodial parent has been unable to find a job and make child support payments, a tribe can request that the court or administrative agency mandate a course of action to improve the non-custodial parent's employability (e.g., attending classes to obtain a certificate of general educational development or high school equivalent, undergoing alcohol or drug abuse treatment, undertaking a work search, attending trade classes).

Notably, some of these enforcement methods (e.g., #1 and #7) draw parallels to American Indian perspectives related to the valuing of family, community, and nature, rather than typical state agency enforcement methods that rely primarily on economic valuations. These adaptive non-monetary methods of collection specific to tribal child support are colloquially referred to as in-kind payments, a term also used to describe similar non-monetary collections outside of the tribal context, according to (Office of Child Support Enforcement, 2022b). Based on interactions with various Wisconsin Tribal Child Support stakeholders, however, the authors of this review note that such arrangements, in addition to being rare, require extensive collaboration within systems and can be portrayed in ways that stigmatize tribal child support programs.

The consideration of other unique aspects, successes, and challenges of tribal child support programs may be further informed by understanding the cultural, demographic, and economic contexts in which they operate. We turn now to a discussion of these contextual factors.

## Demographics of Tribal Communities across the United States

Within the United States, there are 574 federally recognized tribes with a total AI/AN population (AI/AN alone or in combination with some other race) of 9.7 million in 2020, accounting for approximately 2.9% of the total U.S. population (Jones et al., 2020). Notably, since 2010, the AI/AN population has grown significantly—the AI/AN-alone population by 27.1% and the AI/AN in combination by 160% (Jones et al., 2020).<sup>2</sup>

The current population trend may be described as expansive population growth and indicates that the total AI/AN population has more children and adults of childbearing age than adults past childbearing age. Indeed, in 2019, approximately 27.5% of AI/AN populations (1.6 million) were under the age of 18, the highest percentage of youth in a population when compared to other racial/ethnic populations in the United States (Center for Native American Youth at the Aspen Institute, 2016; U.S. Department of Health and Human Services, 2022). Such trends may be significant for the current discussion of tribal child support, as they may indicate potential increased demand for tribal child support agencies given the increase in the number of families with children (Tarsi & Tuff, 2012).

Additionally, family structure characteristics, such as whether a child is living in a single-parent household, may provide further context for understanding tribal communities and their interactions with the child support system. In 2019, an estimated 52% of AI/AN children (341,000) were living in a single-parent household (The Kids Count Data Center, 2019). Furthermore, in 2014, 66% of AI/AN children were born to unmarried women, compared to 40.2% of total women in the United States (Office of Child Support Enforcement, 2018).

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<sup>2</sup>Note that while some growth may be due to new births outstripping deaths, a significant amount may be due to individuals being newly counted or self-identifying and changes in the ways race/ethnicity data is being collected via the Census Bureau (Jones et al., 2020).

Although these numbers may provide some indication of the potential population that tribal child support programs could interact with (Office of Child Support Enforcement, 2018), the traditional Indigenous context of family structure should also be considered.

Traditional Indigenous family structures, for example, as described by Limb and Tobler (2014), Lum (2001), and Whitbeck (2006), may differ from those typically portrayed in the academic literature. First, Indigenous families may be more decentralized than the Euro-centric model of the family, in which the father is considered the “head of the household.” Instead, Indigenous families may favor a more expansive and interconnected network of family, community, and tribe, with each, considered “collective pieces of the Native family circle” (Limb & Tobler, 2014, p. 218). Furthermore, fathers may not be expected to be solely responsible for the economic support of the family but, instead, may be expected to contribute values of strength to the family by fulfilling roles as teachers, guides, role models, and leaders (Lum, 2001; Whitbeck, 2006). Lastly, each person or “piece” within the Indigenous family circle may play a role in raising a child that is often reserved exclusively for a mother or father in the traditional Western family model (Limb & Tobler, 2014). These unique family structure qualities and caregiving roles may be at odds with current child support methodologies related to the establishment and enforcement of orders, which are typically grounded in heteronormative and patriarchal histories.

Other demographics associated with well-being suggest poorer outcomes for Indigenous families compared to non-Indigenous populations. For example, according to the U.S. Department of Education (2017), AI/AN eighth-graders had the lowest reported rate of missing zero days of school (32%) compared to other racial/ethnic groups in the United States. In addition, AI/ANs had the lowest levels of post-secondary education attendance (17%) when

compared to the entire U.S. population (60%) (Postsecondary National Policy Institute, 2019). Compared to all other racial and ethnic groups, AI/AN populations also experience higher rates of chronic diseases such as diabetes, heart disease, chronic liver disease, and cirrhosis, as well as suicide (Indian Health Services, 2019). AI/AN people are also 2.5 times more likely to experience violent crimes compared to the national average; over 84% of AI/AN women will experience violence at some point in their lives, and approximately 56% will experience sexual violence (National Congress of American Indians, 2018).

In summary, demographically, tribal communities in which tribal child support agencies operate are experiencing expansive population growth. In addition, in the same communities, children are living in single-parent families at high rates and, on average, are experiencing poorer outcomes related to youth development and family well-being in areas like education, health, and experiencing violence compared to non-Native children and parents. These factors suggest that child support programs may be of growing importance in tribal communities, although the unique concepts of sovereignty and Indigenous family structures must also be considered. Next, we explore economic factors to provide additional context regarding the operation of tribal child support programs.

### **Economic Contexts of Tribal Communities in the United States**

Tribal nations within the United States have unique economic contexts, which must also be considered given that OCSE child support goals focus on reducing poverty and improving economic outcomes for clients (Office of Child Support Enforcement, 2013). Furthermore, understanding tribal communities' economic contexts may provide insight into potential barriers or challenges tribal child support agencies may face in establishing and collecting orders.

Compared to their non-Hispanic counterparts, tribal communities have experienced significant economic disparities and lower median earnings; conditions exacerbated by an inability to recover from the Great Recession of 2008 (Akee, 2021, 2022). Furthermore, stark economic disparities continue in light of the economic downturn and other effects of the COVID-19 pandemic, which disrupted economic progress across the globe (Akee, 2021). Another contributing factor may be tribal nations' sovereign nature and intergovernmental treaties with the United States; both place responsibilities of maintaining civil services such as schools, health care, and law enforcement upon tribal governments (Akee, 2022). This, coupled with the fact that tribal governments cannot collect revenue through taxation like most sovereign nations, results in economic instability and shortcomings in economic resilience (Akee, 2022). To address these issues, Akee (2022) notes that many tribal communities rely on tribal enterprises, such as casinos or tourism, many of which have been highly successful as primary sources of revenue.

Indeed, some tribal economies in the United States have seen notable prosperity in recent decades, partly due to recent and sudden population growth, which allows for a larger labor force (Weeks, 2019). For example, from 2007 to 2012, AI/AN-owned businesses increased by 15% across the United States. These businesses often support a diverse employee base and provide jobs outside of tribal communities. This significant growth in tribal economies led to AI/AN businesses having an estimated buying power of \$115 billion in 2018, larger than many countries, such as Serbia or Costa Rica (National Congress for American Indians, 2020). However, positive trends were not found when exploring economic outcomes at the community level, and high levels of poverty and inequality remain.

In 2019, 20.3% of AI/ANs lived below the poverty level compared to 9.0% of non-Hispanic whites (U.S. Department of Health and Human Services Office of Minority Health, 2022). Median household income for the AI/AN population (\$40,315) also lags behind the nation as a whole (\$57,652) (United States Census Bureau, 2017a), as does the rate of homeownership (United States Census Bureau, 2017b).

Employment contexts may also present challenges for AI/AN communities. For example, in 2019, the AI/AN unemployment rate was 7.9% compared to 3.7% for non-Hispanic whites (U.S. Department of Health and Human Services Office of Minority Health, 2022). In addition to high levels of unemployment, AI/AN populations may experience underemployment; only 32% of AI/AN individuals age 16 and over work in management or professional occupations, compared to 44.8% of whites who do so (U.S. Department of Health and Human Services Office of Minority Health, 2022). Furthermore, in 2019, approximately 1.1 million jobs supported tribal community economies; however, 83% of these jobs were held by non-tribal citizens, contributing to a loss of income that could potentially benefit tribal workers and their communities (Akee, 2022).

These trends suggest that, on average, families with which tribal child support agencies are working experience higher rates of poverty, lower income and wealth, and higher unemployment rates than non-Native families. In addition, tribal communities are home to adults who are less likely to hold managerial and professional jobs when compared to non-AI/AN communities. These experiences may create significant barriers for AI/AN noncustodial parents in making child support payments and impacting the overall well-being of parents and children. Below, we highlight additional details regarding the demographics of tribal nations located in Wisconsin.

## **Context on Tribal Nations of Wisconsin**

According to the 2020 Census, the AI/AN total population in Wisconsin was 144,572 people—approximately 2.5% of the state’s total population—with most of this population living in Menominee County (87.6%), followed by Sawyer County (19.6%), and Forest County (16.8%) (United States Census Bureau, 2020b). Nine of the eleven federally recognized Tribal Nations of Wisconsin implement a tribal child support program: Forest County Potawatomi Community, Ho-Chunk Nation, Lac Courte Oreilles, Lac du Flambeau Band of Lake Superior Chippewa Indians, Menominee Indian Tribe of Wisconsin, Oneida Nation, Red Cliff Band of Lake Superior Chippewas, Sokaogon Chippewa Community, and Stockbridge-Munsee Community (Office of Child Support Enforcement, 2022d).<sup>3</sup>

According to data from the 2016–2020 American Community Survey five-year estimates, as provided by the ‘My Tribal Area’ data tool (United States Census Bureau, 2020a), tribal communities operating child support programs within Wisconsin demonstrate great demographic variation, especially in terms of socioeconomic factors. For example, mean household income ranges from \$ 33,000 (+/- \$4,700) to \$116,000 (+/- \$19,000), unemployment rates range from 3.1% (+/-0.8%) to 48.4% (+/-16.7%), and poverty rates range from 5% (+/- 2%) to 34.6% (+/- 13%) (United States Census Bureau, 2020a). We report only ranges here given large potential margins of error and other concerns about data accuracy discussed below.

## **Demographic Data Reliability and Implications for Research**

Demographic data from tribal communities can be difficult to collect and analyze, resulting in measures that may be inaccurate or misleading (Walter & Andersen, 2016, pp. 16,

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<sup>3</sup>The Saint Croix Chippewa Indians of Wisconsin and Bad River Band of Lake Superior Chippewa are also federally recognized tribal nations within the state but do not operate tribal child support programs.



72). Relying on such data to research community-level needs and evaluate the effectiveness of programs and interventions can also lead to policy and program implementation that misattribute or wrongly establish causal relationships between factors—or do not measure relevant factors—which may lead to the inability to improve AI/AN well-being (Waapalaneexkweew, 2018). Leading Indigenous and American Indian researchers also have identified shortcomings among the existing pedagogies and methodologies utilized in research and evaluation when applied to AI/AN communities. Primarily, these include the lack of consideration for critical concepts and practices such as sovereignty, decolonization, and self-determination (Waapalaneexkweew & Dodge-Francis, 2018, p. 20). Furthermore, AI/AN researchers often find that tribal governments' legal, cultural, and contextual requirements for non-Indigenous organizations working with Indigenous communities are not met, or Indigenous samples are omitted altogether, as highlighted by the omission of Indigenous governments in a synthesis of governance evaluations in the United States (Schoenefeld & Jordan, 2017; Waapalaneexkweew & Dodge-Francis, 2018).

Another contributing factor to these shortcomings is the classification of AI/AN peoples by the national census, as this measure is based upon race and not tribal membership (Congressional Research Service, 2016); thus, leading to a potential undercount of individuals who are enrolled members but don't consider their race as AI/AN when completing such surveys. Conversely, individuals who are not enrolled members, but identify racially as AI/AN may inflate counts. Both problems limit community leaders' ability to estimate the needs of tribally enrolled members as those who can access tribal-specific services like child support.

Undercounting, in particular, has been of great concern recently among AI/AN communities due to recent Census findings. Upon completion of the 2020 Census, a review of data reliability found population counts to be lacking, significantly undercounting minority

populations, especially AI/AN populations, which had the highest rates of miscounting (Macagnone, 2022; National Congress for American Indians, 2022). This is predicted to impact communities' ability to receive funds from the \$1.5 trillion dollars that the federal government distributes annually to communities for implementing community programs (Carly Graf, 2022; Macagnone, 2022). These undercounts may also contribute to the already smaller sample size of AI/AN communities, which is one reason why some statistical demographic analysis is not available for some tribes, and why there is often a large margin of error in reported measures (Korngiebel et al., 2015).

The purpose of this literature review and its exploration of tribal demographic measures, therefore, is not to definitively utilize metrics to rank or assign value among tribal communities and their programs or reinforce evaluation tools imposed by the OCSE. Rather, this information is included to provide context and further contemporary understanding of potential implications for tribal child support programs, but also to raise concerns about its reliability, caution against drawing definitive conclusions based on available data, and encourage thoughtful consideration of more relevant and accurate data collection and analysis methods in the future.

### **Summary of Introduction**

Addressing shortcomings of the existing federal child support program, current intergovernmental collaborations between sovereign tribal nations and the U.S. government have resulted in the development of unique tribal child support programs designed to be more culturally responsive to community needs. While these intergovernmental programs hold promise, only 60 of 574 tribes within the United States currently operate such programs. Notably, however, 9 of 11 federally recognized tribes in Wisconsin operate tribal child support programs, providing a unique and important context for conducting research with tribal programs

and communities. Indeed, while ongoing research is helpful, much is still unknown in terms of how such programs operate, how successful they are in meeting tribal goals, and how programs can best serve their communities. Consideration of these questions must be couched in culturally appropriate frameworks that reflect Indigenous concepts and practices of sovereignty, family structure, and tribal values and that account for the economic and demographic contexts in which such programs operate. We turn now to the small body of research exploring tribal child support programs and outcomes.

## **RESEARCH ON TRIBAL CHILD SUPPORT**

Although a robust body of academic literature regarding federal and state-run child support systems exists, such literature pertaining specifically to tribal child support programs is severely limited. Initial searches in this area yielded few peer-reviewed studies, especially regarding the primary topics of interest for this review: program implementation and the outcomes experienced by Indigenous communities with which tribal child support agencies work. Existing resources regarding tribal child support are predominantly authored by federal agencies like ACF or OCSE, most often taking the form of reports for guiding new tribal child support programs.

Given the state of this body of research, we present a thematic analysis in which we attempt to tie findings from existing child support literature to our understanding of the contexts in which tribal child support programs operate while also acknowledging the need to carefully consider such findings with respect to unique tribal contexts, as well as the key concepts of tribal sovereignty and culturally responsive evaluation. We also explore the small body of research focusing specifically on tribal child support programs and suggest potential questions and methods for further study.

Themes in current literature include *policy and law*, including exploration of changes to policy and law that shape current implementations of child support programs; *client outcomes*, detailing the observed outcomes related to economic stability, poverty, employment status, health, and well-being of those utilizing child support services; *child support orders and payments*, relating to the establishment of court orders, rates of compliance, barriers in payments, impact and burden of high orders, the efficacy of imputing orders, and exploring formal, informal, and in-kind payments; and *implementation approaches*, including exploration of alternative or newly designed program implementation approaches.

## **General Child Support Research**

### ***Policy and Law***

As explored previously, policy and law have set the precedence for establishing child support programs; therefore, researchers often examine how policy implementation or changes to policy affect the implementation of child support programs and their clients. Examples of such studies include examining the effectiveness of federal legislation, like the Family Support Act of 1989, which mandates statewide child support program guidelines when determining payment amounts (Argys et al., 2001); as well as establishing how changes to federal law, such as the Flexibility, Efficiency and Modernization in Child Support Enforcement Programs Final Rule issued in 2016 ([45 C.F.R. § 302.56(c)(1)(ii)] (U.S. Department of Health Human Services, 2016), aim to ensure that states consider how the ability to pay orders affects the economic outcomes of clients (Hodges & Vogel, 2021). These studies highlight the complexities of intergovernmental collaborations related to child support.

For example, Hodges and Vogel (2021) reveal that changes at the federal level still leave much interpretation by the state, and in the case of the Flexibility, Efficiency and Modernization

in Child Support Enforcement Programs Final Rule [45 C.F.R. § 302.56(c)(1)(ii)], states prioritizing child well-being in child support cases can result in higher orders and greater likelihood of poverty for non-custodial paying parents. Similarly, Argys et al. (2001) found that statewide guidelines informed by federal law regarding child support resulted in states setting independent guidelines, thus continuing variation in orders and outcomes between states. Another analysis conducted by Kranz et al. (2021) found that under the Family Support Act of 1988, some states offset child support orders if custody was shared, while other states did not. The authors also concluded that joint custody arrangements may be more favorable for non-custodial parents and potentially a means of avoiding child support payments. Kranz et al. (2021) suggest this negatively impacts outcomes of young children, as the quality of care and developmental capacity may be hindered in joint custody situations.

These findings suggest that policies and laws that allow for discretion by non-federal entities may lead to variation in child support program implementation as well as family outcomes (with potential trade-offs for parents and children). By definition, tribal child support programs are meant to be developed and implemented locally; therefore, it may be useful to identify variations in tribal programs' policies and then to identify whether and how such variation may lead to differences in client outcomes of interest.

### ***Client Outcomes***

Client outcomes refer to children's and parents' economic status or potential, health, and well-being influenced by their interactions with child support programs. As the well-being of children is specifically addressed in the goals of the OCSE (Office of Child Support Enforcement, 2013, 2018), research focusing on family outcomes is sizeable.

One prominent systematic review conducted by Huang and Han (2012) examined child support policy effects on the prevalence of payments to custodial mothers as well as indirect behavioral outcomes over a 20-year period through 2007. Analyzing empirical and peer-reviewed studies on this topic, the authors found strong enforcement of child support policy and orders led to increased payments received by custodial parents, increased paternal involvement, and reduction of poverty while also being associated with decreased rates of nonmarital fertility, risky sexual behaviors, and welfare utilization. The authors acknowledge varying levels of methodological rigor across studies, and results cannot be interpreted as causal; however, they suggest that state-run child support programs have the potential to positively affect client outcomes across a wide variety of domains.

More recent studies, often using stronger econometric methods and with a more narrow focus, find child support payments decrease rates of poverty for children and their custodial parent (Cuesta & Meyer, 2018; Hakovirta et al., 2019); increase educational attainment (Aughinbaugh, 2001); decrease housing insecurity for custodial mothers (Lewis & Kornrich, 2020); and may increase the involvement of non-custodial fathers, which in turn may also lead to benefits related to cognition, linguistics, and emotional regulation of the child (Argys et al., 2001; Bronte-Tinkew et al., 2008; Cabrera et al., 2007; McCurdy et al., 2021). Nepomnyaschy et al. (2014) also find that lack of or inconsistent child support payments contribute to food insecurity.

It should be noted that existing studies primarily refer to the mother as the custodial parent and the father as the noncustodial parent, as the majority of child support orders are structured this way. For example, a recent report found that in 2018, 79.9% of the 12.9 million custodial parents were mothers, while only 20.1% of custodial parents were fathers (Grall, 2020).

This gender-based structuring has led to studies solely looking at poverty outcomes of noncustodial fathers, finding that fathers in the United States experienced increased rates of poverty after the establishment of child support orders (Cuesta & Meyer, 2018; Hakovirta et al., 2019). Potentially different interpretations of family structure in Indigenous families may limit our ability to generalize such findings to tribal populations. Furthermore, these studies suggest that child support programs may have the potential to improve well-being for both children and parents in domains where tribal populations often experience disparate outcomes compared to non-Native populations; however, the ability of child support to reduce inequality across groups is unclear if AI/AN noncustodial parents are primarily partnered with AI/AN custodial parents.

### ***Child Support Orders and Payments***

As previously mentioned, a primary objective for state-run child support programs is to establish court orders that provide financial support to the custodial parent and child. To this end, compliance rates and the amount of monetary collections acquired by child support programs have been areas of significant study, including identifying barriers that inhibit noncustodial parents' ability or willingness to pay orders.

Studies examining compliance rates (the proportion of a child support order that is paid) over a three-year period in Wisconsin starting in 2000 suggested that most noncustodial parents who had high orders made high payments; i.e., high orders did not correlate to lower compliance rates (Meyer et al. (2008). However, low-income fathers experiencing high orders or increased burden of orders (proportion of earnings owed to child support) resulted in low compliance rates (Hodges et al., 2020; Huang et al., 2005; Meyer & Bartfeld, 1996; Meyer et al., 2008).

Related studies explicitly exploring barriers to compliance have found that employment is a primary barrier for some noncustodial parents and may severely limit their ability to pay

child support (Berger et al., 2021; Mincy et al., 2016; Thomason et al., 2017; Vogel, 2020). Unemployment, underemployment, or employment in low-paying jobs resulting from criminal records, mental health diagnoses, lack of transportation, and limited job skills have all been found to impede the payment of orders by noncustodial parents (Berger et al., 2021; McLeod & Gottlieb, 2018; Thomason et al., 2017). These findings may be of particular interest in the context of tribal communities as previously described, given their higher burden of poverty, as well as poorer income and employment outcomes (Akee, 2022; National Congress for American Indians, 2020; U.S. Department of Health and Human Services Office of Minority Health, 2022).

### ***Implementation Approaches***

A final set of studies explore child support order determination, collection, and enforcement approaches utilized in state-run programs. Some studies have evaluated methodologies used to determine the amount of child support orders. For example, recent findings suggest that when orders do not exceed 30% of the non-custodial parent's earnings and are not imputed by state-run child support programs, which assumes noncustodial parents' income earnings are similar to that of a full-time worker, this leads to higher rates of compliance and less burden (Hodges et al., 2020; Plotnick & Kennedy, 2018).

Other studies focus on programs or strategies to support low-income noncustodial parents in an attempt to increase their compliance with child support orders. One notable study (Cancian et al., 2022) utilized a randomized controlled trial to test the effectiveness of the National Child Support Noncustodial Parent Employment Demonstration (CSPED). This study sought to challenge current methodologies of strict enforcement of child support orders, characterized by threats and punishments, with alternative approaches characterized by adjusting orders, reducing punitive enforcement, and offering employment and parenting services to parents. Cancian and



colleagues found that CSPED increased noncustodial parents' satisfaction with child support services, decreased amounts of child support owed, and increased parents' sense of responsibility for their children; however, the program had limited to no effects on measures related to payment of orders or employment. In a related study, however, Meyer and Kim (2021) found that increased satisfaction due to flexibility in changing orders among low socioeconomic status non-Hispanic Black noncustodial parents resulted in increased payments toward child support orders compared to payments by those who were not satisfied.

A key takeaway from these studies is the practice of centering noncustodial parent experiences in the child support process. Indeed, approaches centered on considering noncustodial experiences with a focus on building relationships have seen success in increasing measures related to payments. These types of approaches may utilize frameworks to train staff on establishing and maintaining positive, proactive relationships with noncustodial parents (Lee et al., 2020); adopting a forgiveness policy that resolves 50 cents per dollar paid on the current pay period (Heinrich et al., 2011); or having staff take proactive steps and building relationships through monthly reminders to their clients of when payment is due (Baird et al., 2016). Such programs that identify the importance of caregiving roles beyond the custodial parent, elevate outcomes beyond the dollar amounts of child support payment, and provide individualized services for clients that address upstream barriers to non-payment may have implications for tribal child support programs.

### **Tribal Child Support Research**

The previous section draws primarily from scholarly, peer-reviewed journal publications; however, there is a dearth of this type of literature specifically examining tribal child support. We explore the same themes above, but while some sources below come from academic

journals, others consist of published non-scholarly articles, chapters from relevant books, and relevant organizational websites. We acknowledge, too, that culturally responsive Indigenous evaluation requires increased access and opportunity for Indigenous and non-Indigenous collaborations, as well changes in methods, policies, programming, and funding to support such efforts (Bowman & Dodge Francis, 2018).

### ***Policy and Law***

One notable piece of work in the area of tribal child support policy and law, authored by Zug (2017), provides narratives and a review of court cases, including the experiences of an Indigenous noncustodial mother and her interactions with state child support court systems as she attempted to modify orders. A central thesis in this article explores the implications of cultural context when one way of living is deemed more valuable by law and policies compared to another. Zug (2017) explores how state child support courts may have strict policies toward enforcing child support orders that value maximizing order amounts versus making modifications that may result in lower orders but may be culturally appropriate and have great beneficence to the family and tribal community.

Furthermore, this exploration of values and laws summarizes the contrasting values of Indigenous and non-Indigenous perspectives regarding child support laws, policy, and program implementation. For example, the author states that the Indigenous perspective establishes value in non-monetary support of the child (e.g., via passing down traditional cultural practices or ways of living) along with the needs of the community (e.g., how being among one's tribal community is crucial in the development of the child, as the wider community is considered vital to the Indigenous family structure). These findings echo those by Whitbeck (2006) and Lum (2001). In contrast, Zug (2017) states that non-Indigenous perspectives value monetary support

as a means of addressing the needs of the child above the needs of the parent and community, and that this difference can undermine intergovernmental relations that currently frame understandings of tribal child support.

For example, Zug (2017) cites *Cherokee v. Georgia* as setting legal precedence for the “trust relationship” between the U.S. government and tribal nations, where the federal government has an obligation to help preserve American Indian traditions and culture. This trust relationship is then jeopardized because of the case of *Sharpe v. Sharpe*, in which a state child support court disregarded an Indigenous mother’s request to modify orders, which would have considered her cultural perspectives and ideologies of what is valuable. Instead, the court ruled in favor of the existing orders, which were based exclusively on economic valuations.

Ultimately, Zug (2017) builds upon Indigenous ideologies on family, community, culture, and traditional ways of living through the lens of policy and law, describing how various culturally-informed value systems drive societal perceptions regarding what is of value, and, alternately, how opposing value systems can have implications for tribal child support enforcement and intergovernmental relations. The themes highlighted here also draw parallels with previously described contexts of tribal child support directors’ sentiments on tribal perspectives that may be in contrast to federal regulations placed on tribal child support implementation (Garvin, 2019; Thompson, 2016).

Additional works have focused on the intergovernmental relationships, collaborations, and cooperative agreements between tribal first nations, states, and the federal government in the context of law and policy. For example, Daugherty (2002) and Rank (1991) explore child support jurisdictional enforcement of tribal community and non-tribal agency collection enforcement, which can involve clashes between tribal and state child support agencies, as well

as frustration on the part of families. Collectively, Daugherty (2002), Rank (1991), and Zug (2017) call for tribal agencies and state agencies to establish culturally sensitive collaboration frameworks within intergovernmental policy and law that put “the actual human problem” (i.e., a family’s need for support) first (Rank, 1991, p. 339).

Research also suggests that the implementation of tribal child support programs may result in the development of new tribal laws and policies, as well as the growth of tribal judicial and other systems. Indeed, impacts on state and federal policymaking may also occur, as these governments are forced to become more cognizant of tribal sovereignty implications and their own legislative development and delegation of rule-making authority (McLester-Heim, 2010).

### ***Client Outcomes***

Outcomes within communities using tribal child support services are rarely researched or understood. Bodies of knowledge providing insight on tribal child support have mostly focused on the pre-existing demographic outcomes and deficit-based findings that suggest challenges for Indigenous communities, such as increased rates of poverty, rates of single-parent households, the prevalence of poor educational outcomes for Indigenous children, or difficulties for parents to stay employed (Cummings, 2020; Limb & Tobler, 2014; U.S. Department of Education, 2017). Essentially, we found no published studies that systematically measure outcomes after tribal child support services are utilized or indicate a causal relationship between such services and improved family outcomes.

Other literature, as well as reports published by federal organizations like ACF and OCSE, provide guidelines to help assist Indigenous communities with implementing tribal child support. They detail how child support may improve family relationships, ensure the passing down of traditional knowledge, and improve economic and demographic outcomes; however,

these are only offered as potential benefits based on general child support research and practice without any actual measurement of tribal outcomes (Congressional Research Service, 2016; Office of Child Support Enforcement, 2018; U.S. Department of Health and Human Services, 1999).

One study that does not evaluate tribal child support programs but does provide some insight into child support-related outcomes for American Indian populations was conducted by the Institute for Research on Poverty as part of the Child Support Demonstration Evaluation (CSDE) (Meyer & Cancian, 2002). The primary goal of the CSDE was to experimentally test an innovative component of Wisconsin's W-2 program<sup>4</sup>: a full pass-through and disregard of child support for participating parents. W-2 entrants were randomly assigned to either a full pass-through and disregard or to a partial pass-through and disregard policy similar to the policy that existed under the preceding Aid to Families with Dependent Children (AFDC) program. In the full W-2 population, evaluators found that the full pass-through and disregard policy was positively related to higher rates of paternity establishment for children, child support receipt for residential mothers, and child support payment for nonresident fathers. Although the small sample size made an evaluation of outcomes for American Indians challenging, most outcomes for this population did not differ significantly by pass-through and disregard policy. One exception was a persistent negative association between the full pass-through and disregard and paternity establishment for nonmarital children, opposite of the finding for the full W-2 population. While this surprising finding did not appear to be the result of any biases in the sample, it could reflect differences in the way such cases were handled by family courts or could

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<sup>4</sup>As noted previously, tribal child support systems are not bound by standardized systems that exist for interstate cases given their foundation in U.S. Government law via the Full Faith and Credit for Child Support Orders Act and federal mandate UIFSA) Office of Child Support Enforcement. (2013). Working Across Borders. In *Child Support Handbook*. <https://www.acf.hhs.gov/css/outreach-material/handbook-child-support-enforcement>

simply be the result of random variation in the small sample of American Indian families (Cook, 2006).

### ***Child Support Orders and Payments***

Current literature regarding child support orders and payments among Indigenous communities is also severely limited; however, one study exploring Indigenous perceptions of paternal responsibilities found that Indigenous fathers described unemployment as a primary barrier to making child support payments (Klinman & Kohl, 1984). Other barriers, similar to those reported in the general child support literature, included skepticism of how child support money would be used by the mother and being denied access to their children (Limb & Tobler, 2014). Additional studies by Manning et al. (2003) and Nepomnyaschy and Garfinkel (2011) also found the state of the fathers' interpersonal relationships—more specifically, the relationship status of the noncustodial father and whether they had other biological children or stepchildren—significantly influenced compliance rates, and thus may be a potential barrier tribal child support programs should consider during implementation.

### ***Implementation Approaches***

By design, tribal child support implementation may be adapted to better suit the distinct culture of a specific tribe. As noted previously, alternative enforcement approaches cited in the literature include non-paying noncustodial parents going before an Elder's Panel to explain why they are behind in payments, providing specific courses that build job skills for those citing employment as a barrier to payment, and withholding per capita payments from the tribe to the non-paying noncustodial parent to fulfill their child support (Congressional Research Service, 2016). The success of such approaches in improving outcomes previously documented in child support literature (e.g., increasing child support payments and compliance, improving

satisfaction with the child support system, or improving parent or child outcomes), however, remains largely unevaluated or unpublished in academic research channels.

One notable study conducted by Limb and Tobler (2014) utilizes data from the Fragile Families and Child Wellbeing Study, allowing for a comparison of perceptions between Indigenous and non-Indigenous parents. The authors note that this can help program implementors understand parental behaviors and perceptions when interacting with child support agencies. Limb and Tobler (2014) find that comparisons between different race/ethnicity groups yielded no difference in perceptions held by parents; thus, suggesting that child support models and techniques that have been known to work in the general population may also be effective in AI/AN communities. The authors note that this may include marriage and fatherhood programs, group educational intervention programs, and family group decision-making approaches. Lastly, the authors note that cultural context still needs to inform implementation, but existing models tested in the general population could be utilized as a base to adapt in culturally sensitive ways that center on American Indian communities.

### ***Ongoing or Recent Federally Supported Tribal Child Support Initiatives***

ACF utilizes authority granted under Section 1115 of the Social Security Act to allow for adaptations or expansions in child support services offered by states or tribal agencies. Section 1115 grants distribute up to \$4 million each fiscal year in the form of competitive grant funding, waivers, or by establishing new research partnerships, with the aim of improving performance measures and outcomes of communities who interact with child support systems (Office of Child Support Enforcement, 2020b, 2020e). Approaches or programs established via Section 1115 grants are therefore meant to improve or establish specialized services (or often compensate for the lack thereof) in the current federal system of Title IV-D child support (Office of Child

Support Enforcement, 2020e). Additionally, tribal child support agency grantees may be in the role of testing new program effectiveness in Indigenous communities.

Currently, there are six Section 1115 grants related to child support; three of these are funding various tribal programs: Charting a Course for Economic Mobility and Responsible Parenting, Intergovernmental Case Processing Innovation, and Using Digital Marketing to Increase Participation in the Child Support Program (Office of Child Support Enforcement, 2020c). Awards may require evaluation, although several of the related projects remain in various stages of implementation and are mostly still in a data collection phase.

One program, Using Digital Marketing to Increase Participation in the Child Support Program, began in 2018 as a “two-year demonstration project [allowing] grantees to test digital marketing approaches and partnerships to reach parents that could benefit from child support services, and create or improve two-way digital communication and engagement with parents.” Grants were awarded to 12 state and two tribal child support agencies, including the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin and the Cherokee Nation (Office of Child Support Enforcement, 2020c).

The Cherokee Nation developed a user-friendly website and informational videos, and utilized text messaging to reach tribal families in rural communities. The website launch was associated with a 263% increase in traffic compared to the older website, a 44% increase in distributed applications, and a 3% increase in completed new applications. Initial videos titled “Child Support 101,” “Overview of Genetic Testing,” and “What to Expect at Court” garnered tens of thousands of views. Results regarding the text messaging strategy have not yet been published (Pasqua, 2020).



The Lac Courte Oreilles Child Support Program (LCO-CSP) implemented three digital marketing strategies to improve two-way communication and parent participation: the program updated its website and improved search engine optimization, launched a new web-based client portal, and engaged in various forms of digital advertising (Byrne, 2020). The new website brought in 994 unique users for 1,341 sessions during the intervention period, substantially more than the original goal of attracting 100 users. Search engine optimization efforts were also associated with an increase in general child support search queries that included LCO-CSP. The program also surpassed its original goal of enrolling parents into the client-based portal (Byrne, 2020). Initial evaluation, although methodologically limited, suggests that the LCO-CSP's Facebook advertising met its goals of increasing visits to the Apply for Services page of its website and increasing enrollment in the client-based portal (Byrne, 2021). A final intervention, using digital advertising on gas pumps within the LCO reservation was delayed due to the COVID-19 pandemic (Byrne, 2021).

The Intergovernmental Case Processing Innovation project began in 2019 as a two-year demonstrative project aiming for “grantees to improve their existing processes and systems to test innovations likely to increase payments on intergovernmental cases, and implement procedures to increase their efficiency and customer service” (Administration for Children and Families, 2019). Grants were awarded to 7 state and two tribal child support agencies, including The Klamath Tribes and the Fort Belknap Indian Community Child Support Enforcement Program (FBIC CSEP) (Administration for Children and Families, 2019).

The Klamath Tribes Federal Parent Locator Service Project seeks to improve child support collections, improve case processing time, improve customer service, increase parents' trust and confidence in the child support system, and ultimately improve child well-being by

conducting activities to complete the requirements to have direct access to the Federal Parent Locator Service portal. The Fort Belknap Indian Community Child Support Enforcement Program (FBIC CSEP) is designed to increase the collection of intergovernmental child support cases shared with state agencies. This initiative also facilitates tribal access to the Federal Parent Locator Service (FPLS) in order to help the FBIC CSEP “locate parents, inform them of their financial obligations to the child(ren), establish child support orders and interact with non-custodial parents in a fair, meaningful, and conclusive manner”(Administration for Children and Families, 2019). Furthermore, the tribe will develop a data collection and evaluation plan to help streamline case processing practices. Some state grantees’ plans (e.g., North Dakota, Oklahoma) also focus on improving intergovernmental processes between state and tribal child support programs (Office of Child Support Enforcement, 2022c).

Lastly, the Charting a Course for Economic Mobility and Responsible Parenting is an ongoing three-year project that aims “to educate and motivate teens and young adults to postpone parenthood until after they complete their education, start a career, and engage in a committed relationship” (Office of Child Support Enforcement, 2020a). Grants were awarded to the Blackfeet Tribe of the Blackfeet Indian Reservation and Lac Courte Oreilles Band of Lake Superior Chippewa Indians (Office of Child Support Enforcement, 2020a).

The Blackfeet Nation Responsible Parenting Project includes a partnership between the Blackfeet Nation Child Support Program, the Blackfeet Teen Pregnancy and Parenting Coalition, and the Blackfeet Manpower One-Stop Center to develop a culturally-based curriculum centered on youth voices and participation. Youth will use social media targeted at the community public-school system for advocacy and to integrate culturally responsive interventions that empower

youth leadership related to preventing teen pregnancy (Office of Child Support Enforcement, 2022e).

The Good Life Vision project partners the Lac Courte Oreilles (LCO) Tribal Child Support Program with community partners “to preserve, strengthen, and renew Ojibwe values in LCO youth by providing opportunities to learn about their culture’s history, values, and practices to support Good Life parenting and reduce the negative effects of generations of cultural trauma” (Office of Child Support Enforcement, 2022a). The project also includes the development of culturally relevant and sustainable curricula and other tools for middle school, high school, and college students and young parents (Office of Child Support Enforcement, 2022a). We will continue to monitor findings from these demonstration projects for future program applications or research opportunities.

## **LITERATURE REVIEW CONCLUSIONS**

Analysis of existing published bodies of knowledge related to the topic of tribal child support and discussions with tribal stakeholders established that there are significant gaps in this area of study. Specifically, there is a dearth of child support research that (1) centers tribal communities in its methodologies and (2) is not based upon generalized systems from typical state-run programs. Persistent economic conditions like high poverty and unemployment rates contribute to a significantly greater burden experienced by Indigenous parents (Akee, 2021, 2022; United States Census Bureau, 2017a); as such, researchers and policymakers must be open to the reality that goals for tribal child support programs may differ from traditional monetary-centric collection-focused programs. Furthermore, each tribal child support program is, by design, uniquely adapted to meet the needs of its own community; therefore, it is difficult to conceptualize a single definition of what tribal child support “is” (Ford et al., 2014), and perhaps

imprudent to lump together programs for evaluation purposes or to generalize findings across multiple tribal nations or communities.

Indeed, the current state of the literature shows that information on the topic of tribal child support is overwhelmingly produced *for* tribal communities rather than *by* tribal communities. This perpetuates knowledge systems and bureaucratic structures that lack appropriate cultural context and considerations for Indigenous perspectives, as well as the continued use of child support research that does not adequately sample or center tribal communities, yet informs tribal program implementation. The authors conclude that important considerations regarding tribal sovereignty; differing conceptions of family structures in Indigenous communities; and cultural, demographic, and economic contexts must be developed in future literature. Culturally responsive research (and different ways of knowing) may be required to better test innovations and identify opportunities for improvements in tribally-centered program implementation and family outcomes.

A recent conversation with Heidi Normandin, Program Officer for Faculty Development at the American Indian College Fund, provided additional insight. She explained that while the organization is interested in bolstering tribal research by American Indian scholars, they are more interested if there is “some emphasis on improving conditions for Native people/on reservations, rather than documenting/researching conditions” (Normandin, H., personal communications, March 17–29, 2022). Normandin further explained that working with mainstream universities and equipping tribal college and university (TCU) faculty with better data and more advanced research skills could assist in various ways. This could: (1) help evolve the role of TCU faculty to conduct research on their own regularly and with other Native communities, (2) help faculty better understand the challenges/conditions of their communities so they can share that with tribal government, and (3) create two-way (rather than one-way)

flows of communication between TCU faculty and mainstream faculty so that they could learn from each other. The need for community-driven approaches to future research is evident—such approaches place the interests and needs of tribal communities at the center of research efforts.

To this end, we recommend that future projects seek to employ theoretical frameworks such as Tribal Critical Race Theory, which frames colonization as endemic and centers Indigenous perspectives (Brayboy, 2005). Active centering of Indigenous perspectives includes recognizing tribal culture as simultaneously fluid and rigid; tribal knowledge coinciding with the ability to change and adapt; and tribal power emerging through tribal sovereignty as expressed by self-determination, -education, and -governance (Brayboy, 2005). Utilizing a Tribal Critical Race Theory approach acknowledges multiple forms of knowledge and can help researchers understand such ways of knowing in a respectful and appropriate way while centering tribal voices and validating the innate value already existing in marginalized communities.

## **RECOMMENDATIONS FOR FUTURE RESEARCH TOPICS**

With these insights from our literature review, and building on a few early (but only internally published) implementation studies of tribal child support programs in Wisconsin (McLester-Heim, 2010; Pate, 2005)—as well as input from tribal child support stakeholders—the authors present the following list of potential culturally-responsive research topics for future exploration using community-centered research methods. We look forward to ongoing engagement and collaboration with tribes regarding this valuable future work.

### **Potential Future Research Questions**

1. In what ways do tribal child support programs bring value to tribal communities? What measures are best for assessing such value (with a focus on culturally appropriate rather than typical academic measures)?

Existing literature, as presented in this review, lacks a specific focus on tribal communities, including how the unique issues of sovereignty; differing conceptions of family structures in Indigenous communities; and tribal cultural, demographic, and economic contexts may interact with child support programs. In addition, various stakeholders noted the importance of having tribal communities identify their own goals, values, and measures of importance, versus relying solely on those typically applied to non-tribal programs. This is particularly true in thinking about the potential non-monetary values such programs provide tribal communities.

2. What individual, family, and community outcomes matter to tribal child support programs and tribes? How can these outcomes best be measured? What are the long- and short-term outcomes of clients in Wisconsin tribal communities who have interacted with tribal child support?

Existing child support literature is rich with examples of the ways in which child support impacts economic and other well-being outcomes for parents, children, and families in state run programs; however, almost no research exists that examines outcomes specifically for Native American families and programs. Such work is complicated by concerns about lack of available or reliable data and small study populations. We would also suggest that researchers work with tribal communities to identify which outcomes are most important to measure and how to measure them, beyond the typical (e.g., often monetary-focused) set of outcomes present in existing literature. Such research might be combined with culturally responsive evaluation efforts to help understand the efficacy of tribal-led initiatives.

3. What do interactions between tribal child support programs and families look like in tribal communities? How and why might they be different from interactions in non-tribal, state-run programs?

There is little documentation of how tribal child support programs interact with families, and how such interactions might differ from those in non-tribal, state-run programs. Again, differing conceptions of kinship and family roles might be considered, as well as the salience of community-level goals and cultural norms. Importantly, best practices and strategies for working with families might be derived and shared with tribal and non-tribal programs.

4. What unique challenges and strengths do families bring to tribal child support programs? How is programming developed to respond to these strengths and challenges?

As documented in this review, on average, tribal communities tend to face disparities when it comes to socioeconomic measures such as income, employment, health, housing, and other indicators of well-being. These contextual, systemic factors can impact a parent's ability to comply with child support orders and can impact a program's ability to assist clients. Yet, tribal communities also demonstrate unique strengths, which may include a strong sense of culture, extended and engaged kinship networks, successful local businesses, and a strong desire of public workers to "give back" to their

communities. More could be learned from tribal communities' efforts to individualize their child support programming to both address challenges and leverage strengths.

5. What are current tribal child support program goals? What unique cultural adaptations are tribes implementing to meet these goals? How are they working? What do tribal child support leaders envision for potential future goals?

Tribal child support programs are built on the premise that state-run programs may not meet the unique needs of tribal communities. And, as noted above, stakeholders have identified problems with relying primarily on monetary goals for tribal child support programs. There is value, then, in understanding how variations in program design and cultural adaptations in the way that child support is collected, or how programs work with families, may lead to the achievement of community-set goals. Again, working with tribes to implement culturally responsive evaluation strategies can help programs with continuous quality improvement efforts and to communicate and share successes.

6. What other systems are tribal families interacting with (e.g., child welfare, criminal justice, economic supports, alcohol and other drug treatment, etc.), and how does participation in these other systems assist or hinder families' experiences in the child support system?

Various stakeholders acknowledged the importance of connecting families with a variety of social services and community supports beyond the child support program. However, some also expressed concerns families had in getting involved with such services, or mistrust of government systems altogether. Another theme discussed was lack of funding, availability, or accessibility when it came to providing wrap-around services for families. Better understanding community needs, potential collaborations, and unintended policy disincentives or consequences could help programs better implement the kind of holistic case management and problem-solving they aspire to provide.

7. How do tribal child support programs interact with county and state child support programs? How can communication and collaborative processes be improved?

We heard from both tribal and state stakeholders that communication across systems can be challenging, yet there seems to be definite interest from all parties in learning to work well together. The literature review also noted existing tensions between the federal government, states, and tribal sovereignty, as well as the reliance on non-tribal systems (e.g., courts) that may not support community-based values and processes. Exploring strategies for improving collaboration and communication, as well as learning about cultural differences and tribal-led systems, seem key to achieving mutual goals.

8. How can researchers collect and use more accurate and meaningful data about tribal communities?

As noted in the literature review and by tribal stakeholders engaged in this project, there are concerns regarding much of the currently available quantitative data about AI/AN populations. These methodological concerns arise because data collection is often imposed on—versus planned or led by—tribes. Concerns include correctly identifying

what data are important to collect in the first place, how to identify tribal members, and how to measure constructs. In addition, concerns about the accuracy and reliability of existing Census and other data abound, especially regarding whether such surveys undercount tribal populations and whether data are usable when small populations (and thus, potentially large margins of error) are studied. Yet, there is clearly a need for good population-level data for service needs assessment and for acquiring public and sponsored funding. Working with tribes to design effective data collection strategies would facilitate more trustworthy and useful research.

9. A cost-benefit analysis might also be prudent for continued research within the Wisconsin tribal child support network. Such research could help measure the success of investments in tribal programming. If, however, alternative “value” beyond dollars in child support collected are incorporated—which, indeed, there seems to be a strong argument for including—such an analysis would become more challenging and research more intensive. Importantly, a cost-benefit analysis could illustrate and highlight the social benefits of programs within the unique contexts of tribal communities, thus leading to local and state discussions related to relevant policy modification.



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