

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



June 3, 2002

CSSIN LETTER: 02-13

ALL IV-D DIRECTORS
ALL DISTRICT ATTORNEYS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

SUBJECT: INCOME WITHHOLDING FROM FEDERAL EMPLOYEES WORKING ON
INDIAN RESERVATIONS

Attached is the Department of Health and Human Services Information Memorandum IM-02-01 dated February 11, 2002, that provides information pertaining to income withholding from Federal employees working on Indian reservations.

Section 459 of the Social Security Act, and Office of Personnel Management regulations at 5 Code of Federal Regulations 581, give the Federal government the authority to withhold wages from any Federal employee for the payment of child support regardless of American Indian/Alaska Native tribal membership, residency, or employment on a reservation.

Local child support agencies should initiate income withholding on tribal and non-tribal Federal employees, including those working on reservations, and should address the income withholding order to the designated agent for the appropriate Federal agency. The Office of Child Support Enforcement (OCSE) automatically reports to states the address for income withholding when there is a match between the Federal Case Registry of all child support enforcement cases and the National Directory of New Hires. These addresses are also available on the OCSE web site at <http://www.acf.dhhs.gov/programs/cse/newhire/ndnh.htm>.

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

DCSS-PR-2002-CTY-0073



DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the DCSS website at
www.childsup.cahwnet.gov

CSSIN Letter: 02-13

June 3, 2002

Page 2

Questions regarding this matter may be directed by the local child support agency policy coordinator to Michele Carotti, Manager, Case Management Enforcement Policy Unit at (916) 464-5099.

Sincerely,

PATRIC B. ASHBY
Deputy Director
Child Support Services Division

Attachment



OFFICE OF CHILD SUPPORT ENFORCEMENT

[OCSE Home](#) . [Program Information](#) . [News](#) . [Publications](#) . [Policy](#) . [State Links](#) . [OCSE Search](#) . [Help](#)

INFORMATION MEMORANDUM

IM-02-01

DATE: February 11, 2002

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: INCOME WITHHOLDING FROM FEDERAL EMPLOYEES WORKING ON INDIAN RESERVATIONS

BACKGROUND: A report by the Office of Inspector General (OIG) for the U.S. Department of Health and Human Services, "*Withholding Child Support Obligations from Departmental Employees*," dated October 2001, evaluated whether states have identified Federal employees from the National Directory of New Hires matches, and subsequently issued income-withholding orders upon learning of such employment. The report found that some Federal employees without income-withholding were with the Indian Health Service (IHS). The OIG found that state caseworkers are reluctant to act on cases involving members of Indian tribes, because they are unaware that they have authority to initiate income-withholding on American Indian/Alaska Native (AI/AN) obligors who are Federal employees.

At the recommendation of the OIG, this memorandum is a reminder that states can initiate income-withholding on tribal and non-tribal Federal employees working on reservations. The Federal government has the authority to withhold wages from any Federal employee for the payment of child support, regardless of AI/AN tribal membership, residency, or employment on a reservation. This authority can be found in Section 459 of the Social Security Act as well as Office of Personnel Management regulations at 5 CFR 581. Therefore, states should not hesitate to issue an income-withholding order on Federal employees, even if they work on reservations or are tribal members.

This policy applies to all Federal employees on tribal reservations regardless of whether they are employed with the IHS, Bureau of Indian Affairs, United States Fish and Wildlife Service, Housing and Urban Development, Department of Labor, or any other Federal agency.

States can verify that an individual is an IHS employee through the IHS web site at <http://www.ihs.gov>. Scan down the home page to "Area Offices and Facilities" and "Find an IHS Employee." The site also includes the addresses and telephone numbers of the 12 IHS area offices, where states can also verify employment.

State child support agencies should address the income-withholding order to the designated agent for the appropriate Federal agency. OCSE automatically reports to states the address for income-withholding when there is a match between OCSE's Federal Case Registry of all child support enforcement cases and the National Directory of New Hires. These addresses are also available on the OCSE web site at

<http://www.acf.dhhs.gov/programs/cse/newhire/ndnh.htm>. States are encouraged to hardcode these addresses into their child support systems so that an income-withholding order is automatically generated to the appropriate address.

INQUIRIES: Please direct inquiries to Gina Barbaro (202) 401-5397 or Carol Callahan

(202) 401-6969 in the OCSE Employer Services Unit.

Sherri Z. Heller, Ed.D.
Commissioner
Office of Child Support Enforcement