

**Title X**  
**(V)**  
**FAMILY CODE**

**ORDINANCE NO. 2025-05-001**

**Standing Rock Sioux Tribal Code of  
Justice**



**Resolution No. 142-25**

Approved April 2, 2025 by  
Standing Rock Sioux Tribal Council

## **ORDINANCE NO. 2025-05-001**

**NOW THEREFORE BE IT RESOLVED**, That Title V-Family Code of the Standing Rock Tribal Code of Justice, is hereby amended, as attached.

**[DOCUMENT ATTACHED 55 PAGES]**

## **RESOLUTION NO. 142-25**

### **RESOLUTION TO ADOPT REVISIONS TO FAMILY CODE, TITLE V (5) OF THE STANDING ROCK TRIBAL CODE.**

**WHEREAS**, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16, and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

**WHEREAS**, the Standing Rock Sioux Tribal Council pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 5, shall post all proposed ordinances introduced at a Tribal Council Meeting for not less than ten days prior to final adoption by the Tribal Council. All enacted ordinances shall be made available to the Local District Councils; and

**WHEREAS**, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[c] is empowered to promote and protect the health, education and general welfare of the members of the Tribe, and to administer charity and such other services as may contribute to the social and economic advancement of the Tribe and its members; and

**WHEREAS**, the Standing Rock Tribal Council has received and reviewed proposed revisions to the Family Code, Title V; and

**WHEREAS**, the proposed revisions to the Family Code, Title V were introduced at Tribal Council and posted for a minimum of ten (10) days for public comment pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 5; and

**WHEREAS**, the Tribal Council desires to adopt and enact the revised Family Code, Title V, attached hereto.

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council hereby approves the enactment of Ordinance # 2025-05-001, approving and adopting the revisions to the Family Code, Title V, attached hereto; and

**BE IT FINALLY RESOLVED**, that the Chairman and the Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

## **CERTIFICATION**

We, the undersigned, Chairman and Secretary of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of 17 members, of whom 15, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held on the 2<sup>nd</sup> day of **April, 2025**, and that the foregoing resolution was duly adopted by the affirmative vote of 14 members, with 0 opposing, and with 1 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.**

Dated this 2<sup>nd</sup>, day of **APRIL, 2025**



Janet Alkire, Chairman  
Standing Rock Sioux Tribe

**ATTEST:**



Susan Agard, Secretary  
Standing Rock Sioux Tribe

**[OFFICIAL TRIBAL SEAL]**

# **Title V Family Code**

## **Chapter 1. Marriage**

### **5-101 Requirements**

For two persons to be married under this chapter each must (a) be at least sixteen (16) years of age; (b) freely consent to the marriage and; (c) if under eighteen (18) years of age, obtain consent of their custodial parents or legal guardian, if any.

### **5-102 Marriage Equality**

The Standing Rock Sioux Tribe shall not prohibit marriages between two persons on the basis of gender or sexual orientation. Marriages between two persons of the same sex or gender are hereby authorized and recognized by the Standing Rock Sioux Tribe.

### **5-103 Prohibited Marriage**

Two (2) persons shall not be married under this chapter who are related by blood to each other in any of the following degrees:

- (a) Parent and child;
- (b) Grandparent and grandchild;
- (c) Brother and sister; or half-brother and half-sister;
- (d) Aunt and nephew, or uncle and niece;
- (e) Cousins in the first, second or third degree.

Any attempted marriage between persons so related shall be null and void from the time of marriage forward.

### **5-103 Marriage of Person Having Existing Spouse**

A person having an existing spouse shall not be married to another under this Title. A person having an existing spouse is one who has been married under this title, or under the laws of another tribe, state or foreign nation, and whose marriage has not been terminated by (1) a divorce or annulment recognized as valid by the tribe, state, foreign nation which granted it, and which complies with due process of law; (2) the death of a spouse; or (3) the absence and believed death of the spouse for five (5) years or more.

### **5-104 Marriage License**

Persons wishing to be married must obtain a marriage license from the Standing Rock Sioux Tribal Court, Corson County, SD or Sioux County, ND. To obtain a license, the persons must attest before the Judge of the Tribal Court, or in an affidavit, that:

- (a) that they are at least 16 years of age;

- (b) that they freely consent to the marriage;
- (c) if they are under 18 years of age, that their custodial parents or guardians, if any, consent to the marriage (the written consent of the parents or legal guardians, if any, or any person under 18 years of age shall also be presented to the Judge);
- (d) that they are not related to each other in a manner prohibited by Section 5-103 of the Title; and
- (e) that they have no existing spouse as defined in Section 5-104 of the Title.

Where necessary, the Judge may require the testimony or affidavit of any person necessary to substantiate such information.

If a Judge is satisfied that the above requirements are met, the Judge shall issue a marriage license to the applicants. The marriage license shall be valid for 30 days. The Court shall give one (1) copy of the marriage license to the applicants and shall retain one (1) copy for its own records.

#### **5-106 Marriage Ceremony**

A marriage ceremony may be performed by a Judge of the Standing Rock Sioux Tribal Court, or by an ordained or recognized minister, priest, or other leader of any religious faith, who shall issue a marriage certificate, certifying the parties have obtained a valid marriage license, appeared before the person administering the ceremony, and were joined in marriage.

The marriage certificate shall be signed by two (2) witnesses other than the persons being married and the person performing the marriage ceremony. Marriage certificates shall be returned to the Standing Rock Sioux Tribal Court which shall retain the original and deliver a copy to the persons married.

#### **5-107 Jurisdiction**

Under this title, marriage licenses may be issued and marriage ceremonies performed where at least one (1) party is an Indian, and at least one party has been a bona fide resident within the boundaries of the Standing Rock Sioux Reservation as defined by the Act of May 31, 1889, c. 405, 25 Stat. 888 for a period of thirty (30) days immediately preceding the application for a license.

#### **5-108 Recognition of Foreign Marriages**

A marriage duly licensed and performed under the laws of the United States, any tribe, state or foreign nation shall be recognized as valid by the Standing Rock Tribal Court for all purposes.

## Chapter 2- Annulment and Divorce

### 5-201 Jurisdiction Over Annulment and Divorce Cases

The Court shall have jurisdiction over annulment, divorce and any paternity, child custody, division of property, child support or alimony decree pursuant to such annulment or divorce, where at least one (1) party to the marriage is an Indian, and at least one (1) party has been a bona fide resident within the boundaries of the Standing Rock Sioux Indian Reservation as defined by the act of May 31, 1889, c. 405, 25 Stat. 888 for a period of thirty (30) days immediately preceding the filing of the action. For the purposes of this section the term “bona fide resident” shall include any person currently away from the Reservation to attend school or beginning military service who (1) resided on the Reservation for a period of one (1) year immediately preceding attending school or beginning military service, and (2) intends to return to reside on the Reservation upon completion of school or military service.

### 5-202 Annulment

#### (a) Petition.

For any marriage performed under this chapter, one (1) or both of the parties may, within one (1) year of the date of marriage, submit a petition of annulment to the Court, stating as grounds that (a) one (1) or both parties was under 16 years of age at the time of the marriage; (b) one (1) or both parties did not freely consent to the marriage; (c) the parties were related to each other in a manner prohibited by Section 5.102 of this Title; or (d) one (1) or both parties had an existing spouse at the time of the marriage. The petition shall be sworn before a notary public or other official designated to verify signatures.

#### (b) Service of Process.

(1) Where possible, each defendant in an annulment proceeding shall be served with a copy of the complaint as provided under Section 2-102(b)(1)-(3) of this Code. Where service cannot be accomplished otherwise, service may be accomplished by publishing the summons or an order of the Court directing the absent defendant to appear by a day certain, either in three (3) consecutive editions of a tribal or reservation newspaper of general circulation, or for at least once in each week for three (3) consecutive weeks in a newspaper of general circulation published off the Reservation, in the county in which the defendant was last known to reside. Service by publication is filed (1) stating that the reason for service by publication is that personal service cannot be made on the defendant and (2) setting out the defendant’s place of residence, if known, and if not known to the affiant, stating that fact. The clerk of the Court shall mail a copy of the summons and complaint to the defendant’s last known address not later than ten days after the date of first publication.

(2) Proof of service of the summons and complaint, or of other notices of action by publication must be filing an affidavit of the publisher or printer of the newspaper, or his foreman, clerk or bookkeeper, to which is annexed a copy of the summons and or order of the Court,

specifying the paper in which and the time when the publication was made, and a certificate by the clerk that a copy of the summons and complaint was mailed to the defendant's last known address not later than ten days after the date of the first publication.

(c) Response

If the non-petitioning spouse does not agree with the petition's allegations as to grounds for annulment or the division of the property or custody of children proposed by the petition, the non-petitioning spouse may file with the Court a response within 20 days of receiving the petition. The response shall be sworn before a notary public or other official designated to verify signatures and shall contain an explanation of why there are no valid grounds for annulment or why the division of property or custody of children proposed in the petition is not appropriate. A copy of the response shall be served on the petitioning spouse.

(d) Hearing and Decree

Where such a response is received. The Court shall hold a hearing on the matter. If (1) after hearing, or (2) after 20 days no response is received from a non-petitioning spouse, the Court determines that there are valid grounds for annulment, the Court shall enter a decree of annulment. The decree shall state the grounds for annulment and shall be signed by the presiding judge. A copy of the decree shall be delivered to each of the parties, and the original retained for the records of the Court. In extraordinary circumstances and for good cause shown, an annulment granted where the non-petitioning spouse did not respond may be set aside by order of the Court.

Annulment voids a marriage from the time of the marriage forward.

**5-203 Divorce**

(a) Grounds. A divorce shall be granted where the Court finds that (1) irreconcilable differences have caused the irreparable breakdown of the marriage or (2) the parties have mutually and voluntarily lived separate and apart without cohabitation for a period of at least thirty (30) days immediately preceding the filing of the petition. Where Domestic violence has been substantiated, the Court may waive the 30-day waiting period. Divorces shall be granted without regard to the fault of the parties.

(b) Petition. One (1) or both parties may file a petition with the Court, sworn before a notary public or other official designated to verify signatures. The petition shall state the facts and circumstances substantiating the petition.

(c) Service of Process

(1) Where possible, each defendant in a divorce proceeding shall be served with a copy of the complaint as provided under Section 2-102 (b) (1)-(3) of this Code. Where service cannot be accomplished otherwise, service may be accomplished by publishing the summons, or an order of the Court directing the absent defendant to appear by a day certain, either in three (3) consecutive weeks in a newspaper of general circulation, in the county in which the defendant was last known to reside. Service by publication is filed (1) stating that the reason for service by publication is that personal service cannot be made on the defendant and (2) setting out the

defendant's place of residence, if known, and if not known to the affiant, stating that fact. The clerk of the Court shall mail a copy of the summons and complaint to the defendant's last known address not later than ten days after the date of the first publication.

(2) Proof of service of the summons and complaint, or of other notice of action by publication must be by filing and affidavit of the publisher or printer of the newspaper, or his foreman, clerk or bookkeeper to which is annexed a copy of the summons or order of the Court, specifying the paper in which and the times when the publication was made, and a certificate by the clerk that a copy of the summons and complaint was mailed to the defendant's last known address not later than ten days after the date of the first publication.

(d) Response. The non-petitioning spouse may file a response to the petition within twenty (20) days of receipt of the petition. Such response may state the background facts and circumstances which show that there are no valid grounds for divorce or may seek a division of property or custody of children different from any proposed by the petition.

(e) Hearing.

(1) In all divorce cases, the Court shall order and hold a hearing. The hearing shall be held within six (6) months after the date the petition is filed.

(2) At the hearing, both spouses shall have an opportunity to testify, cross-examine the other spouse and any witnesses, call and question other witnesses, and present documentary evidence. Each spouse may retain counsel or be otherwise represented in the proceeding. The hearing shall be closed to the public unless both spouses agree otherwise.

(f) Filing Fees. The Petitioner shall pay the fee, as set forth by the Court, at the time of filing the action for divorce under this Code.



## **Chapter 3 –Child Custody, Division of Property and Alimony in Divorce or Annulment Proceedings.**

### **5-301 Child Custody**

In any action for annulment or divorce, the Court shall have authority to determine the custody of any child of the marriage, or any other child in the custody of either party, under 18 years of age. The Court may grant custody to one (1) parent, or may grant joint custody, specifying the periods during which each parent shall have custody. In each case, the Court shall determine the visitation rights, if any, of the non-custodial parent. The determination of custody shall be based on the best interests of the child, and there shall be no presumption that a parent is better suited to be custodial parent based on the parent's gender. Where appropriate, the Tribal Court may also order that the non-custodial parent make periodic payments to cover a portion or all the expenses of care and education of the child. Orders concerning child custody may be modified at any time upon a significant change of circumstances, on motion of either party. A home study by an appropriate professional may be ordered by the Court and both parties shall be equally responsible for the cost.

### **5-302 Division of Property**

When an annulment or divorce is granted, the Court shall make such equitable distribution of all real and personal property as it deems just and proper. The Court shall have no authority to make any equitable distribution of trust property.

### **5-303 Alimony**

When annulment or divorce is granted, the Court may order either party to make periodic alimony payments as necessary for the support of the other party. Such orders may be modified at any time, on motion of either party, to reflect changes in either party's economic circumstances. Upon motion, the Court shall terminate alimony to any spouse who has remarried.

### **5-304 Jurisdiction**

The Tribal Court shall have jurisdiction to adjudicate the paternity of a child, and to compel payment for support in any action brought for such purposes or in divorce proceedings.

## Chapter 4 –Custody

### 5-401 Purpose.

The purpose of this provision is to enable non-married parents, relatives and caretakers to seek custody over a child when doing so is in the child's best interests and is necessary for the child's health, safety, and well-being.

### 5-402 Definitions.

- (a) Legal custody. The right to make significant decisions regarding a child, including decisions regarding a child's education, health care, and scheduled activity.
- (b) Nonparent. An individual other than the parent of the child, including a grandparent, sibling, stepparent, other relative, or caretaker of the child.
- (c) Parent. An individual who is the child's natural parent.
- (d) Physical custody. Living with a child and exercising day-to-day care of the child.
- (e) Visitation. The right to spend time, which may include an overnight stay, with a child who is living with another person.

### 5-403 Rights and Responsibilities of the Natural Parent.

The rights and responsibilities of the parent(s) of a child in the custody of another person are:

- (a) The right to visitation, subject to the Court's modifications in a court order.
- (b) The right to being informed of and being involved in determining the medical needs of the child.
- (c) The right to being involved in planning for the child.
- (d) The right to voluntarily relinquish parental rights in order to free the child for adoption.
- (e) The right to privacy.

### 5-404 Rights of Child in the Custody of Another Person other than the Parents.

- (a) The right to visit the child's parent(s), subject to the supervision or limitations set out by the court.
- (b) The right to nurturance.
- (c) The right to food, clothing, and shelter.
- (d) The right to inheritance.
- (e) The right to protection by the child's parents or custodian.
- (f) The right to an education appropriate for the child's needs.
- (g) The right to medical care.
- (h) The right to be involved in and informed of planning.

- (i) The right to privacy.
- (j) The right to assistance from appropriate resources in meeting his/her emotional, psychological, educational, and medical needs.
- (k) The right to be represented by a guardian ad litem when available to be appointed by the Tribal Court for hearings involving the child's welfare.

**5-405 Comity.**

Comity may be given to child custody orders issued by a state or other tribal courts. In order to determine whether to grant comity to a child custody order of another jurisdiction, the Tribal Court shall consider include:

- (a) Whether the foreign court had jurisdiction, both personal and subject matter;
- (b) Whether the foreign court's proceedings were fair and impartial;
- (c) Whether the parties had notice and an opportunity to be heard; and
- (d) Whether the foreign court provides comity or recognizes under full faith and credit child custody orders from the Standing Rock Sioux Tribe.

**5-406 Temporary Custody.**

The Court shall have the power to entertain and grant or deny petitions for temporary custody when it determines it to be in the best interest of the child; provided, that full notice and opportunity to be heard be given to all parties within ten (10) days thereafter, and further provided that no guardian so appointed shall sell, dispose of, convey, or otherwise alienate title to or interest in the ward's property during such temporary period.

**5-407 Presumption for Parental Decision.**

- (a) In an initial proceeding under this chapter, a decision by a parent regarding a request for custody or visitation by a nonparent is presumed to be in the best interest of the child.
- (b) Subject to section 5-419, a petitioner has the burden to rebut the presumption under subsection (a) by clear and convincing evidence of the facts required by subsection (a) of section 5-413. Proof of unfitness of a parent is not required to rebut the presumption under subsection (a).

**5-408 Commencement of Child Custody Proceedings.**

Any person may file a petition seeking custody or visitation of a child pursuant to this Chapter if:

- (a) the petitioner is an unmarried parent of the child; or

- (b) the petitioner is a nonparent and alleges that neither parent is a suitable custodian or is unable or unwilling to care for the child.

**5-409 Jurisdiction.**

The Tribal Court has exclusive original personal, subject matter, and territorial jurisdiction of all proceedings under this Chapter, wherein:

- (a) The child is domiciled on or resides within the exterior boundaries of the Standing Rock Sioux reservation for thirty (30) days prior to the commencement of an action under this Code;
- (b) The child, within thirty (30) days before the filing of the proceeding, had been domiciled on the Standing Rock Sioux reservation with his parent, guardian or custodial and the child is absent from the reservation because of his removal by a person claiming his custody or for other reasons, and a parent, or person who has assumed parental role, continues to live on the reservation;
- (c) The child is a ward of the Court;
- (d) The child is physically present within the exterior boundaries of the Standing Rock Sioux reservation and the child has been abandoned;
- (e) The Court has assumed jurisdiction because:
  - (1) The child and his parents, or the child and at least one contestant, having a significant connection with the reservation and there is available to the Court substantial evidence concerning the child's present or future care, protection, cultural heritage, and personal relationships.
  - (2) The child is physically present on the Standing Rock Sioux reservation and it is necessary in an emergency to protect the child because he/she has been subjected to or threatened with mistreatment or abuse.
- (f) In order to fulfill the purposes of this Code, the Court shall have jurisdiction over parents, guardians, legal custodians and other parties to the proceeding and shall have the authority to make such orders for parents, guardians, legal custodians, and parties that are necessary to protect the safety and welfare of a child before the Court pursuant to this Code.
- (g) When jurisdiction has been obtained by the Children's Court under this Title, jurisdiction shall continue until terminated by order of the Court or, until the child has reached the age of majority.

**5-410 Verified Petition.**

- (a) A petitioner shall verify a petition for custody or visitation under penalty of perjury and allege facts showing the petitioner:
  - (1) Has a substantial relationship with the child and denial of custody or visitation would result in harm to the child; or
  - (2) Meets the requirements of a consistent caretaker of the child.
- (b) A petition must state the relief sought and allege specific facts showing:
  - (1) The duration and nature of the relationship between the petitioner and the child, including the period the nonparent lived with the child and the care provided, if any;
  - (2) The content of any agreement between the parties to the proceeding regarding care of the child and custody of or visitation or other contact with the child;
  - (3) A description of any previous attempt by the petitioner to obtain custody of or visitation or other contact with the child;
  - (4) The extent to which the parent(s) is/are willing to permit the nonparent to have custody of or visitation with the child;
  - (5) The reason the requested custody or visitation is in the best interest of the child, applying the Best Interest of the Child factors in section 5-415.
  - (6) If the petitioner alleges a substantial relationship with the child, the reason denial of custody or visitation to the petitioner would result in harm to the child.
- (c) If an agreement described in subsection (2)(b) is in a record, the petitioner shall attach a copy of the agreement to the petition.

**5-411 Notice of Child Custody Proceedings.**

Notice of a child custody proceeding shall be given to the child's parent(s), guardian, and custodian, who may appear and be heard and may file a responsive pleading.

**5-412 Intervention in Child Custody Proceedings.**

The court may, upon a showing of good cause, permit the intervention of other interested parties in a child custody proceeding.

**5-413 Requirements for an Order of Custody or Visitation.**

- (a) A court may order custody or visitation if the petitioner proves:
  - (1) The petitioner:
    - (i) Has a substantial relationship with the child and denial of custody or visitation would result in harm to the child; or
    - (ii) Is a consistent caretaker of the child; and

- (iii) An order of custody to the Petitioner is in the best interest of the child.
- (b) A petitioner has a substantial relationship with the child if:
  - (1) The petitioner:
    - (i) Has a familial relationship with the child by blood or law; or
    - (ii) Formed a relationship with the child without expectation of compensation; and
    - (iii) A significant emotional bond exists between the petitioner and the child.
- (c) A petitioner is a consistent caretaker if the petitioner, without expectation of compensation, if one or more of the following factors exist:
  - (1) Lived with the child for not less than twelve consecutive months, unless the court finds good cause to accept a shorter period;
  - (2) Regularly exercised care of the child;
  - (3) Made day-to-day decisions regarding the child solely or in cooperation with an individual having physical custody of the child; and
  - (4) established a bonded and dependent relationship with the child with the express or implied consent of a parent of the child, or without the consent of a parent if no parent has been able or willing to perform parenting functions.

**5-414 Emergency Order.**

On finding that a party or a child who is the subject of the proceeding is in danger of imminent harm, the court may expedite the proceeding and issue an emergency order.

**5-415 Best Interest of the Child.**

In determining whether an order of custody or visitation is in the best interest of a child, the court shall consider the following factors:

- (a) The emotional ties between the parties involved and the child and the capacity and disposition of the parties involved to give the child love and guidance;
- (b) The ability of the parties to provide the child with food, clothing, medical care or other remedial care recognized;
- (c) The length of time the child has lived in a stable, nurturing environment, and the desirability of maintaining continuity;
- (d) The permanency, as a family unit, of the existing or proposed custodial home;
- (e) Moral fitness of the parties involved;
- (f) Home, school, and community record of the child;
- (g) The reasonable preference of the child may be considered if the Court considers the child to be of sufficient age and maturity;
- (h) The willingness and ability of each of the parties to facilitate and encourage a close, positive, and continuing parent-child relationship between the child and the parent(s) to the extent such relationship does not pose a risk of harm to the child;

- (i) Domestic or family violence, if any; and
- (j) The capability and willingness to instill the child with the culture, values, and traditions of the Standing Rock Sioux Tribe and other Native American culture and values; and
- (k) Any other factors the Court deems relevant to provide for the appropriate care, custody, supervision, safety, and nurturing of the child.

**5-416 Relevant Factors in Awarding Custody.**

In determining whether to award an order of custody or visitation, along with the best interests of the child, the court shall consider:

- (a) The wishes of the child's parent(s);
- (b) The wishes of the child, if of sufficient age and maturity, as to a custodian and visitation privileges;
- (c) The interaction and interrelationship of the child with his or her parent(s), siblings, and any other person who may significantly affect the child's best interests;
- (d) The child's adjustment to home, school, and community;
- (e) The mental and physical health of all individuals involved;
- (f) The Indian heritage of the child;
- (g) Any other relevant factor.

**5-417 Presumption Arising from Child Abuse, Child Neglect, Domestic Violence, Sexual Assault, or Stalking.**

- (a) The court shall presume that ordering custody or visitation to petitioner is not in the best interest of the child if the court finds that the petitioner or an individual living with the petitioner, has committed child abuse, child neglect, domestic violence, sexual assault, stalking, or comparable conduct in violation of tribal, state, or federal law.
- (b) A finding that the conduct specified in subsection (1) occurred must be based on:
  - (1) Evidence of a conviction in a criminal proceeding;
  - (2) Final judgment in a civil proceeding; or
  - (3) Proof by a preponderance of the evidence.
- (c) A party may rebut the presumption under subsection (1) by proving by clear and convincing evidence that ordering custody or visitation to the petitioner will not endanger the health, safety, or welfare of the child.

**5-418 Order of Custody or Visitation.**

- (a) After hearing and considering the evidence, the court may order:
  - (1) Physical custody to the petitioner;
  - (2) Both physical and legal custody to the petitioner without termination of the natural parent's rights;

- (3) Joint legal custody to the petitioner and a parent or other party; or
  - (4) Visitation to the petitioner.
- (b) If a petitioner seeks visitation only, the court may not order custody to that petitioner.

**5-419 Modification of Custody or Visitation.**

- (a) On motion, the court may modify a final custody or visitation order under section 5-418 upon a showing by a preponderance of the evidence that:
  - (1) A substantial and continuing change in circumstance has occurred relevant to the custody of or visitation with the child; and
  - (2) Modification is in the best interest of the child.
- (b) If a petitioner has rebutted the presumption of parental decision under section 5-407 in an initial proceeding, the presumption remains rebutted.
- (c) If a motion is filed to modify an order of visitation under this chapter to obtain an order, the petitioner must rebut the presumption under section 5-407.
- (d) On agreement of the parties, the court may modify a custody or visitation order, unless the court finds that modification is not in the best interest of the child.



## Chapter 5 – Change of Names of Persons

### 5-501 Adult Name Changes

Any member of Standing Rock Sioux Tribe eighteen years of age or older may file petition to change his or her name with the Standing Rock Sioux Tribal Court.

### 5-502 Contents of Petition

The name change petition shall state:

- (a) The petitioner's current name, address, and social security number or other form of identification;
- (b) That the petitioner is a member of the Standing Rock Sioux Tribe or has been a resident of the Standing Rock Sioux Reservation for at least six (6) months prior to the filing of the petition;
- (c) The new name petitioner seeks;
- (d) The reason why petitioner seeks a name change;
- (e) A declaration that the change of name is not sought and will not be used to defraud creditors;
- (f) Whether petitioner is aware of any other member of the Standing Rock Sioux Tribe, or resident of the Reservation, with the name petitioner seeks.

The petition need not be in any specific form and may be typed or handwritten. The petition must state that the facts in the petition are true, upon penalty of perjury, and must be signed by the petitioner.

### 5-503 Minors

A parent, guardian or adoptive parent eligible to have his or her own name changed may file a name change petition for a minor in their care. The petition shall set forth all the information required of an adult petitioner under Section 5.502 and also:

- (a) The relationship between petitioner and the minor whose name the petitioner seeks to have changed;
- (b) If the minor is ten years old or more, whether the minor consents to the proposed name change.

### 5-504 Notice

Upon receipt of a petition for name change, the Court shall cause notice of the petition to be published in a newspaper of general circulation on the Standing Rock Sioux Reservation at least one per week for four (4) successive weeks. The notice shall also state that any person opposing the name change petition should inform the Court of the grounds for that opposition, in writing or orally, and may request a hearing on the petition. Notice shall be paid for by petitioner unless the

Court, because of the indigence of the petitioner, waives this requirement. Notice shall not be required for changed of a first or given name only.

**5-505 Hearing**

Upon request of any person opposing a name change petition, the Court shall hold a hearing at which the opponent and petitioner shall be questioned by the Court. The Court may also, on its own motion, hold a hearing on any name change petition, whether opposed or not.

**5-506 Determination**

If the provision of this Code concerning the contents of the petition and notice are met, and the Court finds that there are adequate reasons for the name change, the Court may grant the name change petition and order the name changed.

**5-507 Records**

The Court shall maintain records of all name change petitions whether granted or denied. The Superintendent shall be notified of all name change petitions granted by the Court.

## Chapter 6- Uniform Paternity Act

### 5-601 Policy

The Standing Rock Sioux Tribe (SRST) or (Tribe) recognizes the right of every child to the physical, mental, emotional and monetary support of his or her parents and the right of every child to have a recognized father and mother under this chapter.

### 5-602 Purpose

The Tribe, in order to assure uniformity for paternity orders entered by the Tribal Court (Court), and to provide certain guidelines to Tribal Court judges when establishing paternity, does hereby enact this Chapter setting forth the standards for the Court when establishing paternity. The Tribe establishes and authorizes the Standing Rock Sioux Tribe's Title IV-D Child Support Enforcement Agency (SRST CSEA), to establish paternity; to develop appropriate forms; to implement on-going and periodically update procedures for the establishment of paternity for any child up to and including at least 18 years of age. A parent, guardian, custodian or Guardian ad litem may bring an action to establish the existence of the parent and child relationship on behalf of the child(ren). This chapter also shall apply to individuals over the age of 18 years of age who seek to establish the existence of the parent and child relationship.

### 5-603 Definitions

- (a) Acknowledged Father- a man who has established a father-child Relationship.
- (b) Adjudicated Father- a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.
- (c) Alleged Father – a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:
  - (1) A presumed father (see § 5.605A below);
  - (2) A man whose parental rights have been terminated or declared not to exist; or
  - (3) A male donor.
- (d) Child– an individual of any age who seeks to establish a parent-child relationship under this chapter.
- (e) Determination of Parentage- the establishment of the parent-child relationship by the signing of a valid Acknowledgement of Paternity Affidavit under Chapter 5.606 or adjudication by the court.

- (f) Genetic Testing – an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of Deoxyribonucleic acid (DNA).
- (g) Man – a male individual of any age.
- (h) Parent and Child Relationship – the legal relationship existing between a child and his/her natural or adoptive parents. The parent and child relationship confers or imposes rights, privileges, duties, and obligations upon the parents and in certain instances, upon the child. It includes the mother and child relationship and the father and child relationship. The parent and child relationship, including support obligations, extends equally to every child and to every parent, regardless of the marital status of the parents.
- (i) Paternity Index – the likelihood of paternity calculated by computing the ratio between:
  - (1) The likelihood that the tested man is the father, based on genetic markers of the tested man, mother and child, conditioned on the hypothesis that the tested man is the father of the child; and
  - (2) The likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.
- (j) Probability of Paternity – the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the tested man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.

**5-604 How Parent and Child Relationship is Established**

The parent and child relationship between a child and:

- (a) **Natural Mother**  
The natural mother is established by proof of the mother having given birth to the child, as otherwise established under this chapter;
- (b) **Natural Father**  
The natural father may be established under this Chapter; and
- (c) **Proof of Adoption**  
By proof of adoption that the man and/or the woman adopted the child under the Adoption Chapter, Title V, Chapter 4, and Title VI, Chapter 9 of the Code of Justice of the Tribe.

**5-605 Presumption of Paternity**

**(a) Criteria to Establish Presumption of Paternity**

A man is presumed to be the natural father of a child if:

- (1) He and the mother of the child are married to each other and the child is born during the marriage;
- (2) He and the mother of the child were married to each other and the child is born within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce or after a decree of separation;
- (3) Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred days after its termination by death, annulment, declaration of invalidity, divorce or after a decree of separation;
- (4) After the birth of the child, he and the mother of the child married each other in apparent compliance with the law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child and:
  - (i) The assertion is in a record filed with the Tribal Court, the SRST Child Support Enforcement Agency (SRST CSEA) to the State Department of Health;
  - (ii) He agreed to be and is named as the child's father on the child's birth certificate; or
  - (iii) He promised in an official record of support the child is his own.
- (5) For the first two (2) years of the child's life, he resided in the same household with the child and openly held out the child as his own.
- (6) He has adopted the child.
- (7) Genetic tests show that he is not excluded and the statistical probability of his paternity index is ninety-five percent (95%) or higher.

**(b) Rebuttal of Presumption of Paternity**

- (1) A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence.

- (2) If there are two (2) or more presumptions which conflict with each other, the presumption which on the facts is founded in the weightier considerations of policy and logic controls.
- (3) The presumption is rebutted by a Court decree establishing paternity of the child by another man.

**5-607 Determination of Father and Child Relationship**

**(a) Who May Bring an Action to Determine Existence of the Father and Child Relationship**

An action to determine the existence of the father and child relationship, whether or not such relationship is already presumed under Section 5.605 of this Chapter, may be brought by the SRST CSEA; the child; the mother; a pregnant woman; any person or public agency who has custody of, or is providing or has provided financial support to the child; the personal representative or a parent of the mother if the mother has died or is a minor; a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

The complaint shall be verified and shall name the person alleged to be the father of the child and set for the facts reasonably necessary to establish paternity.

In addition:

- (1) If the alleged father or mother is a minor, he or she shall be represented by his or her parent, custodian, general guardian or Guardian ad litem appointed by the court, which may include an appropriate agency. The Court may designate the parties and align them accordingly.
- (2) If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except for service of process, the taking of depositions to perpetuate testimony and the ordering of genetic test under appropriate circumstances involving the availability of the putative father.

**(b) Who May Bring An Action to Declare Mother and Child Relationship**

Any interested party may bring an action to determine the existence or nonexistence of a mother and child relationship. In so far as practicable, the provisions of this Chapter applicable to the father and child relationship apply.

**(c) Who May Bring an Action to Establish the Non-existence of a Father and Child Relationship**

An action to declare the non-existence of the parent and child relationship may be brought by the child, the natural mother, or a man presumed to be the father under Section 5.605.A. 1-7 of this Chapter, the personal representative or a parent of a

deceased parent if the parent had died or is a minor. Actions shall be brought by verified complaint and set forth facts reasonably necessary to establish the non-existence of the parent and child relationship.

In addition, the following shall apply:

- (1) After the presumption that a man presumed to be the father under Section 5.605.B has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party to the action or by separate action if he has not been named in the original action.
- (2) Regardless of its terms, an agreement, other than a settlement approved by the Court between an alleged presumed father and the mother or child, does not bar an action under this section.
- (3) The Court or the SRST CSEA need not attempt to establish paternity in any case involving incest or forcible rape or in any case in which parental rights have been terminated and a legal proceeding for adoption is pending or if it would not be in the best interest of the child to establish paternity.
- (4) Establishment of paternity has no effect of Tribal enrollment or membership. Proceedings to establish paternity for Tribal enrollment or membership purposes also may be recommenced under this Chapter.

**5-608 Statute of Limitations and the Establishment of Paternity**

The following timeframes and exemption shall apply with regard to statute of limitations and the establishment of paternity.

**(a) Timeframe for Parents and Others to Commence an Action to Establish a Parent and Child Relationship**

An action to determine the existence of the parent and child relationship to a child may be brought by:

- (1) The child's parent
- (2) a legal guardian or custodian, or
- (3) a Guardian ad litem appointed by the Court.

The action must be brought within eighteen years of birth of the child.

**(b) Timeframe for a Child to Commence an Action to Establish a Parent and Child Relationship**

There shall be no limitation on the right of the child to bring an action to determine the existence of the parent and child relationship.

**(c) Timeframe as it Relates to Inheritance or Succession Rights**

This section shall not extend the time within which a right of inheritance or a right to succession may be asserted beyond the time provided by law relating to distribution and closing of decedent's estates or to the determination of heirship rights.

**(d) Exemption from “Civil Actions” Statue of Limitations**

This Chapter is exempt from the Tribe's two (2) year statutes of limitation for Civil Actions pursuant to the Tribe's SRST code of Justice, Civil Procedure, Chapter 2.501.

**5-609 Joinder of Action and Jurisdictional Issues**

**(a) Joinder of Action**

Any Action to determine the existence of a parent and child relationship brought by a parent, guardian or custodian or Guardian ad litem, may be joined with an action for divorce, annulment, custody, spousal or child support.

**(b) Jurisdiction**

The Court has jurisdiction of an action brought under this Chapter in which any of the parties resided within the jurisdiction of the Tribe or conception took place within the jurisdiction.

In addition to any other method provided by rule or statute, personal jurisdiction may be acquired by service of the Summons and Complaint outside this Reservation as provided by Title II, Chapter 1, § 2-102 of the SRST Code of Justice.

**5-610 Default Judgment**

**(a) Entry of Default Judgment**

If a person alleged to be the parent in an action to determine the existence of the parent and child relationship has failed after service of process to plead or otherwise appear within the time permitted under the Code of Justice, Title II, the Rules of the Court, and the fact is brought to the Court's attention by affidavit or otherwise, the Court may enter a default judgment against the Respondent establishing the existence of the parent and child relationship.

**(b) Exception to Default Judgment**

A Default Judgment may not be entered in the following circumstances:

- (1) Against a minor unless represented in the action by a parent, legal guardian, custodian or Guardian ad litem, who has been identified and served as provided by Title II, Chapter 1, § 2-102 of the SRST Code of Justice;
- (2) Against an incompetent person unless represented in the action by the guardian with sufficient authority, who has been identified and served as provided by Title II, Chapter 1, § 2-102 of the SRST Code of Justice; or
- (3) If more than one (1) person was alleged to be the father and the affidavit or testimony establishes the existence of the father and child relationship



between the child and a person who has appeared and participated in the action, then a default judgment shall not be entered upon the person who appeared.

**(c) Setting Aside a Default Judgment**

A Default Judgment may be set aside in any subsequent proceeding upon order to the Court, good cause shown.

**5-611 Civil Action: Trial**

**(a) Law Governing Paternity Action**

An action under this Chapter is a Civil Action governed by the Tribal Code of Justice, Title II, the Rules of Court, the Federal Rules of Civil Procedure and Evidence Code except where otherwise noted within this Chapter.

**(b) Definition of “Trial”**

A trial means a trial by the Court without a jury.

**(c) Burden of Proof**

The burden of proof in actions brought under this Chapter shall be by a preponderance of the evidence.

**(d) Child May be a Party to the Action: Representation Required When Child is a Minor**

The child may be made a party to the action. A child who is a minor must be represented by the child’s parent whose parentage has been established under Section 5.607; a legal guardian, custodian or a Guardian ad litem appointed by the Court.

**(e) Necessary Parties to the Action: Notice Requirements**

The natural mother, legal guardian, custodian, the Guardian ad litem, the man presumed to be the father and each man alleged to be the natural father, must be made parties to the action or, if not subject to the jurisdiction of the Court, must be given notice of the action in a manner prescribed by the Court and be given an opportunity to be heard. The Court may align the parties.

**(f) Required Information from the Parties to the Action**

Every party to a paternity action is required to file with the Court information on the location and identity of the party, including Social Security number, residential and mailing addresses, telephone numbers, driver's license number, and the name, address, and telephone number of their employer.

**(g) Inadmissibility of Certain Testimony**

Any testimony relating to sexual contact with the mother by an unidentified man at any time or by an identified man at a time other than the probable time of conception of the child is inadmissible in evidence, unless offered by the mother.

**(h) Admissibility of Certain Evidence Offered by an Alleged Father**

In an action against an alleged father, evidence offered by the alleged father with respect to a different man concerning that man's sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the additional man has undergone and made available to the Court genetic tests, the results of which do not exclude the possibility of his paternity of the child.

**(i) Competence and Requirement of Parties to Testify: Exceptions in Cases of Rape or Incest**

The mother of the child and the alleged father are competent to testify and may be compelled to testify, except in cases of rape or incest.

**5-612 Hearing and Records: Confidentiality**

Notwithstanding any other law concerning public hearings and records, any hearing or trial held under this Chapter must be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers, pleadings and records, other than the final judgment, are subject to inspection by persons not party to the action, only upon consent of the Court .

**5-613 Evidence Relating to Paternity**

Evidence Relating to paternity may include the following:

**(a) Evidence of Sexual Intercourse During Possible Period of Conception**

Evidence of sexual intercourse between the mother and alleged father at any possible time of conception.

**(b) Expert's Opinion Concerning Statistical Probability of Paternity**

An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy.

**(c) Genetic Test Results**

Genetic test results, weighted in accordance with the evidence, if available, of the statistical probability of the alleged father's paternity are admissible as evidence of paternity without the need for foundation, testimony, or other proof of authenticity or accuracy, unless objected to and sustained by the Court.

**(d) Voluntary Acknowledgment of Paternity**

A signed and notarized Voluntary Acknowledgment of Paternity; or

**(e) All Other Evidence Relevant to Paternity**

All other evidence relevant to the issue of establishing paternity of the child.

**5-614 Genetic Testing**

**(a) Criteria for Genetic Testing Order**

The Court may, and upon the sworn statement of a party shall, require the child, mother and alleged father(s) to submit to genetic tests. The testing is required in contested cases if the request is supported by a sworn statement alleging or denying paternity as follows:

- (1) Alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or
- (2) Denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

**(b) Genetic Testing Must Satisfy Appropriate Standard**

In all instances where the Court orders genetic testing, the genetic testing must meet the following standard:

- (1) The genetic testing laboratory utilized by the SRST CSEA or private counsel and parties, must be a nationally accredited genetic testing laboratory which performs at a reasonable cost, legally and medically-accepted genetic tests which intend to either identify the father or exclude the alleged father

**(c) Costs of Genetic Testing**

- (1) In proceedings commenced by a private party, the costs of genetic (DNA) testing shall be determined by the Court.
- (2) In proceedings commenced by the SRST CSEA, costs of genetic (DNA) testing shall be advanced by the SRST CSEA and may be ordered to be reimbursed in either lump sum or periodic payments where the party tested is ultimately found to be the father.
- (3) In inter-jurisdictional cases brought by the SRST CSEA on behalf of another Tribe, State or Territory, the SRST CSEA as the responding jurisdiction, shall pay for the cost of the genetic (DNA) testing.

**(d) Requests for Additional Genetic Testing**

In a case in which a party requests additional independent genetic testing, the Court shall order that independent genetic testing be performed. The total cost of the additional genetic testing must be paid for in advance by the requesting party.

**(e) Admissibility of Genetic Test Results**

The certified documentation of the genetic tests results are admissible as evidence of paternity without further testimony regarding foundation, accuracy or authenticity unless objected to and sustained by the Court.

**(f) Use of Genetic Testing in Action to Dis-establish Paternity**

For good cause shown or provided to the Court, the Court may order Genetic Testing to dis-establish paternity only on the basis of fraud, duress or material mistake of fact, with the burden of proof upon the challenger, by clear and convincing evidence.

**5-615 Evidence relating to Costs of Pregnancy, Childbirth and Genetic Testing**

**(a) Authentication**

(1) Extrinsic evidence of authenticity as condition precedent to admissibility is not required of billings by services providers for services relating to pregnancy, childbirth, and genetic testing except that:

(i) Documentation of the genetic test results shall be accompanied by an affidavit or certification of authenticity by the testing agency.

**(b) Prima Facie Evidence**

(1) Billings by service providers for services relating to pregnancy, childbirth, and genetic testing constitute prima facie evidence of the costs of those services and are admissible without the need for foundation testimony of other proof of authenticity or accuracy, unless objected to and sustained by the Court.

**5-616 Temporary Support Pending Trial**

Upon motion by any party, the Court may order temporary child support to be paid pending a final determination of paternity if there is a preponderance of evidence of paternity, based on genetic tests or otherwise.

If the action is brought at the direction of the Court and final determination of paternity results in the Court's determination that there is no evidence of a father and child relationship between the child and a party who was ordered to pay child support under this subsection, that party may seek reimbursement from the opposing party for the amount actually paid from the date of filing of the paternity action. A party seeking reimbursement shall file a separate action in Tribal Court.

**5-617 Judgment**

**(a) Finality of Judgment**

The judgment (order) of the court determining the existence or nonexistence of the parent and child relationship is final. As a final judgment, it is subject to appeal pursuant to Title II of the SRST Code of Justice.

**(b) Amendments to Birth Certificate**

If the judgment of the Court is at variance with the child's birth certificate, the Court shall order that an amended birth certificate be issued in accordance with the judgment of the Court.

**(c) Terms of Judgment**

The judgment of paternity may contain other provisions directed against the Respondent to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, or any other matter with regard to the best interest of the child. The judgment may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment of paternity containing additional provisions of custody and visitation are not subject to the provisions contained within Title VI, Chapter & of the Code of Justice, entitled Children's Code.

**(d) Inclusion of Social Security Numbers**

A judgment must include the social security numbers of the child and the individuals determined to be the child's parents.

**(e) Full Faith and Credit Applicable Where Jurisdiction and Due Process Standards Have Been Met**

The Court shall give full faith and credit to a determination of paternity made by another Tribe, State, Territory whether established through voluntary acknowledgment or through administrative or judicial processes. The Court must make an initial determination that the foreign jurisdiction had personal and subject matter jurisdiction over the Respondent and that all due process standards have been met.

**5-618 Records**

**(a) Where Appropriate, State Department of Health, Division of Vital Records to Amend Birth Certificate**

Upon order of the Court, or upon a request of a Court of competent jurisdiction, or upon a signed and notarized Voluntary Acknowledgement of Paternity, the state department of health, division of vital records shall be ordered to prepare an amended birth certificate consistent with the findings of the Court.

**(b) Amended Birth Certificate to Reflect Actual Place and Date of Birth**

Even though the fact that the father and child relationship was declared after the child's birth, the actual place and date of birth must be shown.

**(c) Confidentiality of Evidence and Original Birth Certificate**

The evidence upon which the amended birth registration was made and the original birth certificate shall be kept in a sealed and confidential file and is subject to inspection only upon receipt of the Court.

**5-619 Right to Obtain Counsel**

In the absences of an assignment to the SRST CSEA, the parent or alleged parent may retain counsel of the parent's own choosing and at the parent's own expense.

**5-620 Free Transcript on Appeal**

If a party is financially unable to pay the cost of the transcript, the Court shall furnish on request without cost to the requesting party, a transcript for purposes of appeal. The Court shall not assess any fees or charges to the SRST CSEA for the cost of the transcript.

**5-621 Court Costs**

**(a) Non-Title IV-D Cases**

The Court may assess the reasonable fees of experts and other costs of the action and pretrial proceedings, including genetic tests, to be paid by the parties in proportion to amounts determined by the Court.

**(b) Title IV-D Cases**

In SRST CSEA Cases, the costs incurred by the SRST CSEA relating to establishment of paternity shall initially be absorbed by the agency and are subject to reimbursement as may be ordered by the Court.

**5-622 Enforcement of Judgment**

**(a) Either the Obligation of the Father or Reasonable Expenses May be Enforced in the Same or Other Proceedings by the SRST CSEA, the Mother, or the Child**

If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this Chapter, the obligation of the father for reasonable expenses may be reinforced in the same or other proceedings by the SRST CSEA, the mother, the legal guardian, custodian, Guardian ad litem, or the child. Reasonable expenses may include: costs of pregnancy, confinement or other expenses determined by the Court.

**(b) SRST CSEA Distribution Unit to Receive and Disburse Child Support Payments in Title IV-D and Non-Title IV-D Cases**

The Court shall order all support payments to be made through the SRST CSEA to ensure timely and systematic distribution to the appropriate recipients with regard to both Title IV-D and Non-Title IV-D Cases. Non IV-D Cases will not be enforced by the SRST CSEA absent an application for IV-D Services to SRST CSEA.

**(c) Contempt of Court**

Willful failure to obey the judgment of the Court constitutes Contempt of Court for Failure to Pay Child Support pursuant to Section 5-716 of the Child Support Act. All other remedies for the enforcement of Child Support Judgments also shall apply.

**5-623 Severability**

If any clause, sentence, paragraph, section or part of this Code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

**5-624 Repeal and Replacement of Previously Enacted Paternity and Child Support Enforcement Provisions and Effective Date of Replacement Acts**

Form the enactment date of the Child Support Enforcement Act and this Paternity Act, all previously enacted Child Support Enforcement and Paternity statutory provisions contained in the Code of Justice, are repealed and replaced by Title V, Family Code, Chapter 6, Standing Rock Sioux Tribal Uniform Parentage Act, Section 6-601 through 5-625, inclusive and Title V, Family Code, Chapter 7, Standing Rock Sioux Tribal Child Support Act, Section 5-701 through 5-721, inclusive. This Chapter supersedes Title VI, Chapter 7 of the Children's Code when a parent, guardian, custodian or Guardian ad litem, or adult child commences a paternity action under this chapter.

**5-625 Applicable Law**

In any matter arising under this Chapter, the Court shall follow the provision of this Chapter. In the event the provisions of this Chapter are silent on a particular matter, the Court shall give binding effect and follow the Applicable Laws provision as set forth in Section 2-401 of the Code of Justice.

## Chapter 7

### STANDING ROCK SIOUX TRIBAL CODE CHILD SUPPORT ACT

#### **5-701 Policy**

The Standing Rock Sioux Tribe (SRST) Or (Tribe) finds that as a matter of policy, all parents have a duty to support their children to the extent of their ability. Equally important considerations of policy require the fostering of relationships between parents and children which may arise out of the recognition of parental duty.

#### **5-702 Purpose**

The Tribe, in order to assure uniformity for child support orders entered by the Tribal Court (Court), to provide certain guidelines to Tribal Court Judges when setting child support orders, and to fully satisfy the federal regulations with regard to child support enforcement, does hereby enact this Chapter setting forth the considerations for the Court when establishing support obligations. Further, the Tribe establishes and authorizes the SRST's Title IV-D Child Support Enforcement Agency (SRST CSEA) to establish paternity, establish, modify and enforce child support orders and to enforce spousal support orders only when previously entered in conjunction with a child support order, to locate absent parents and to provide other related services. The SRST CSEA will establish and periodically modify as need, Child Support Guidelines as required by 45 C.F.R. §309.105. The Tribal Council shall give final approval of the Guidelines and any modifications to the established Guidelines. The SRST CSEA shall report to the Judicial Committee on all matters related to the SRST CSEA.

#### **5-702 Definitions**

For purposes of this Title, unless the context or subject-matter otherwise requires:

- (1) **Child** – an individual with respect to whom a child support order has been issued pursuant to the laws of the Tribe, State or Territory.
- (2) **Child Support** – the financial obligation a noncustodial parent has towards his or her children whether such action is established through judicial or administrative process, by stipulation, or by any other process recognized by Tribal Law. The financial obligation of a noncustodial parent shall be met through the payment of money or through the provision of other goods and services as ordered by the Court. An order of judgment for support continues until the end of the month the child either attains the age of eighteen (18) or once a child who is living at home and full-time student, either graduates from high school or attains the age of nineteen (19) while still attending high school, whichever comes first.
- (3) **Court**- The Standing Rock Sioux Tribal Court.



- (4) **Court Order** – Any order for support established by a court of competent jurisdiction.
- (5) **Custodial Parent** –(CP) The person who has the primary care, custody, and control of the child(ren). The definition of “Custodial Parent” also can include a “custodial party”. i.e., any other person with legal custody of the child(ren).
- (6) **Foreign Judgment** – Any child support judgment, order or decree of another Tribe, State, or Territorial Court which is entitled to full faith and credit pursuant to 28 U.S.C. §1738B (Full Faith and Credit for Child Support Orders Act).
- (7) **Gross Income** – income from any source, including but not limited to salaries, wages, commissions, bonuses, dividends, severance or retirement pay, pensions, lease income, interest on trust income, annuities, capital gains, unemployment compensation, worker’s compensation, disability insurance benefits, tips, gifts, prizes, alimony, veteran’s disability payments, social security payment and any per capita payments. It also includes non-cash contributions calculated at reasonable market value. Annual gross income does not include any income derived from child support payments actually received and income derived from any public assistance based on a determination of need. Child Support received by a party for children from another relationship shall not be included as part of that party’s gross or net income.
- (8) **Indians-** those individuals who are members of a Federally recognized Indian Tribe or eligible for membership in a Federally recognized Tribe, and those individuals who are members of or eligible for membership in a Canadian recognized First nation.
- (9) **Net Income-** total gross income less:
- (i) The Obligor’s Federal income tax, Social Security and Medicare obligations which should be based upon a review of the Obligor’s most recent three (3) pay stubs. In the absence of the Obligor’s pay stubs, the Court may estimate the Obligor’s Federal withholdings at anywhere between seventeen percent (17%) to twenty-two percent (22%).
  - (ii) The Obligor’s state income tax obligation, if any. In the absence of the Obligor’s pay stubs, the Court may estimate the Obligor’s state withholdings at seven percent (7%) unless there is not state income tax obligation owed by the Obligor.
  - (iii) Premium payments for health insurance policies intended to afford coverage for the child or children for whom support is being sought;

- (iv) Court ordered child support payments for other children of the Obligor;  
and
  - (v) Medical court ordered health insurance payments for other children of the Obligor;
- (10) **Non-Cash Contributions** – contributions to the support of a minor child other than cash contributions. Examples include: use of property, including living quarters at a rate approved by the Court; food or sustenance provided to the child and his family in the form of game or fish or other necessities provided to the family such as heating wood or fuel; or necessary daycare services. Any credit for non-cash contributions must be court approved and a dollar value attached.
- (11) **Noncustodial Parent-** (NCP) the parent who does not have primary care, custody or control of the child and who may have an obligation to pay child support.
- (12) **Obligee-** the person to whom a duty of support is owed.
- (13) **Obligor-** the person who owes the duty of support.
- (14) **Spousal Support-** Court ordered support of an ex-spouse. Also referred to as maintenance or alimony.
- (15) **Tribal IV-D Agency-** the SRST CSEA established by the Tribe to administer the Title IV-D plan pursuant to Section 455(f) of the Social Security Act.

#### **5-704 Creation of the Tribal Title IV-D Child Support Enforcement Agency**

##### **A) Purpose of Authority**

The Standing Rock Sioux Tribe's Child Support Enforcement Agency (SRST CSEA) is hereby created and which shall have the authority to operate a Title IV-D support enforcement program in compliance with SRST Child Support Act and the Federal Regulations found at 45 C.F.R. Part 309, et.seq. This agency shall have the following authority:

- 1) To apply to the Federal agency entitled Administration for Children and Families, Health and Human Services, Office of Child Support Enforcement (ACF HHS OCSE) for direct funding to operate a Tribal child support enforcement program in compliance with the SRST Child Support Act and the Federal Regulations;
- 2) To accept an application and assignment of child support from:

- a. Any custodial parent or other guardian, including a Tribal child protection or foster care program, of any child receiving TANF or foster care assistance either from a Tribal or State agency, or
  - b. Any other custodial parent or guardian applying for the Title IV-D child support services from the SRST CSEA;
- 3) To provide services and to file actions on behalf of a custodial parent, Tribal or State Agency involving Title IV-D cases in the Tribal Court to establish paternity, to establish, modify and enforce child support and existing spousal support where both child support and spousal support has been ordered by not where spousal support alone has been ordered, and to locate custodial or non-custodial parents in compliance with Federal Regulations;
  - 4) To establish SRST CSEA procedures for establishment of paternity, establishment, medication and enforcement of support orders, and locate of custodial or non-custodial parents. The SRST CSEA is authorized to update and amend operational procedures as needed and as required by the Federal Regulation (45 C.F.R. Part 309, et.seq.) and subject to approval by the Tribal Council;
  - 5) To establish Guidelines for the establishment and modification of child support obligations and to conduct a formal review of the Guidelines once every four (4) years and subject to approval by the Tribal Council;
  - 6) To enter into any Cooperative Agreement with the State of North and/or South Dakota for the purposes of facilitating child support enforcement, parent locator services, IRS tax intercept, unemployment compensation intercepts or any other assistance provided to the states that is not available to the SRST CSEA. Any Cooperative Agreement or amendments to a Cooperative Agreement must have Tribal Council approval;
  - 7) To promptly process, collect, account, and refer to the Tribe's Finance Department for final disbursement of all child support payments which the SRST CSEA has been assigned the right to collect child support on behalf of any custodial parent, custodian, TANF or foster care program. This also shall include Non-Title IV-D payments processed by the SRST CSEA.

This authority shall include compliance by the SRST CSEA with Tribal Court Rules, Policies and Procedures regarding timelines for the filing of actions and the disbursement of money received, for the referral of Court judgments for child support to other Tribal, State and Federal agencies for collection efforts, and or the expenditure of any money received by the Tribe for the collection of child support either from a State or through a cooperative agreement or directly from the Federal government; and

(c) **Location of the SRST CSEA:**

The SRST CSEA shall be considered a stand-alone program and shall operate independently of Tribal Court.

**5-705 Assignment of Child Support Rights and Application for Services**

**A) Assignment of Child Support Rights and Authorization to SRST CSEA Where Person is a Recipient of Temporary Assistance for Needy Families (TANF)**

- 1) Any person who received Temporary Assistance for Needy Families (TANF) either from the States of North or South Dakota or the Tribe, shall upon applying for such benefits, assign child support and applicable child support arrearages limited to the amounts they have received and are receiving through TANF. Said assignment shall authorized the SRST CSEA to bring an action in Court, or other appropriate Court of competent jurisdiction, to locate absent parents, establish, modify and to enforce a support order as well as to collect arrearages on behalf of the custodial parent.
- 2) Any person, who receives Temporary Assistance for Needy Families (TANF) either form the States of North or South Dakota or the Tribe, required to assign their support rights but who refuses to do so without good cause or who fails to cooperate with the SRST CSEA without good cause or who fails to cooperate with the SRST CSEA without good cause in the collection of support may be subject to a sanction of exclusion for the TANF program for such refusal (But see §5-705B below for exception to requirement).

**B) Application for Services by Non-TANF Custodial Parent or Other Person**

- 1) Any custodial parent or other person not receiving TANF benefits, may apply for services to the SRST CSEA to bring an action in Court, or other appropriate Court of competent jurisdiction to locate absent parents, establish, modify and to enforce a support order as well as to collect arrearages on behalf of the custodial parent.
- 2) Any custodial parent or other person not receiving TANF benefits, may apply to the SRST CSEA For limited services by executing an Income Withholding Order-Only (Non-IV-D) request for processing support payments received pursuant to such order.
- 3) In all instances, any custodial parent or other person not receiving TANF benefits, shall have any support paid pursuant to a Tribal Court Order processed through the SRST CSEA from prompt distribution (See §5-715A).

**C) Exception to Refusal to Assign Child Support Rights:**

Good cause to refuse cooperation shall include the following situations:

- 1) When the custodial parent has a well-founded fear of violence from the noncustodial parent which as evidenced by the existence of an order of protection in which the custodial parent is protected from the noncustodial parent;
- 2) When the child was the product of rape or incest;
- 3) When the legal proceedings for adoption are pending in the court.

In the event any of the three (3) above circumstances apply, the custodial parent shall not be penalized for refusing to cooperate.

#### **5-706 Setting of Child Support Obligation**

In any case where the Court is determining the paternity of a child, decreeing a divorce between parties, or establishing child support for a custodial parent when the non-custodial parent is always from the home for at least thirty (30) days, the Court may set an amount of support to be paid by a non-custodial parent to the custodial parent using the standards set for the below.

Upon request by either parent at any time when there is a change of circumstances, the Court may review any order of child support. In all other instances, the SRST CSEA shall review any Title IV-D case order of child support every three (3) years to determine if more or less support is warranted under the Tribes established Guidelines (see Section 5.710-714, and Section 5.721 entitled "Child Support Guidelines Schedule").

The Obligor shall provide his or her social security number to the Tribal Court and, where requested, to the SRST CSEA. If the Obligor is employed, the order setting the child support obligation, must contain provisions for automatic income withholding for the Obligor's paycheck. So much of the Obligor's income as defined in 45 CFR §309.5 must be withheld as is necessary to comply with the order. The amount withheld also must include an amount to be applied toward liquidation of any overdue support. The total amount to be withheld may not exceed the maximum amount permitted under Section 303 (b) of the Consumer Protection Act (15 U.S.C. §1673(b)) (50%), but by be set at a lower amount.

#### **5-707 Child Support Action Against Minors**

An Obligor who is under the age of eighteen (18) must be accompanied by a parent, guardian or legal custodian when child support is to be established. In all instances where the Obligor is in high school or unable to earn an income, the Court shall establish child support at the minimum amount set forth in the Guidelines. The arrearages shall be enforceable once the Minor attains the age of eighteen (18), or once the Minor attains the age of nineteen (19) if the Minor continues to live at home and is a full-time student in a secondary school, whichever comes first.

#### **5-708 Child Support Order**

Any order directing the payment of child support is:

- 1) A judgment by operation of law with the full force and effect and attributes of a judgment of the Tribal Court, including the ability to be enforced;

- 2) Entitled as a judgment to full faith and credit pursuant to 28 U.S.C. §1738B;
- 3) Not subject to retroactive modification by the Court or by any Tribe or other State except as follows: Modification is permitted with respect to any period during which there is pending a petition for modification, but only from the date that notice of such petition has been given (45CFR §303.106); and
- 4) Not subject to the statute of limitations provided in Section 2.206 of the Code of Justice, entitled "Life of Judgment".
- 5) Creating an obligation for the support of the child and follows the child to the person who has obtained lawful physical custody of the child. A person who obtains lawful physical custody of a child for whom an order for support has been issued shall be deemed to be the person entitled to receive the payments ordered for the support of the child. Such a person may in the same manner as the person named in the order for support of the child, and without petitioning the court for a new order, enforce or request modification of the order for support of the child. If the person ceases to have physical custody of the child, the person to whom the lawful physical custody of the child is transferred becomes the person entitled to receive payments for the support of the child, unless a court orders otherwise.

#### **5-709 Foreign Child Support Judgments**

##### **A) Recognition**

In accordance with Federal law, 28 U.S.C. §1738B, the Court is required to recognize a child support order issued by another Tribe or State court, provided the court that issued the child support order has met the appropriate standard for acquiring personal and subject matter jurisdiction; that is, procedural and substantive due process standards have been met.

##### **B) Procedure**

In order to be recognized as an enforceable order, all foreign child support orders must first be presented to the Court for recognition. As a matter of policy, the Standing Rock Sioux Tribe declares that any foreign order sent directly to an employer and not first presented to the Court for recognition, is not enforceable and amounts to a violation of the Tribe's Sovereignty. As a matter of Tribal and Federal Law, the various States, Territories, and other Tribes have no jurisdiction over the Standing Rock Sioux Indian Reservation.

##### **C) Modification**

A court may modify foreign orders if:

- 1) Neither the child, the Obligee, nor the Obligor resides in the issuing State or on another reservation whose tribal court issued the foreign judgment;

- 2) The Obligee is a non-resident of the Reservation and seeks modification for the court order and the Obligors subject to the personal jurisdiction of the Court; or
- 3) The child is a resident of the Reservation and all the parties who are individuals have filed written consent with the issuing State or Tribe for continuing, exclusive jurisdiction for the Court to modify the order and that the Court assumes continuing, exclusive jurisdiction over the order.

**D) Registration**

If there is no individual party or child residing in the issuing State or on the reservation of the issuing Tribe, the party or child support enforcement agency seeking to modify, or to modify and enforce a child support order issued in another State or by another Tribe shall register that order in the Court for the purpose of modification, provided the Obligor resides and is subject to the jurisdiction of the Court.

**E) Enforcement**

A court of a Tribe or State that no longer has continuing, exclusive jurisdiction of a child support order may enforce such order with respect to non-modifiable and unsatisfied obligations that accrued before the date on which a modification of the order is made.

**5-710 Determination of Child Support Amount: General Instructions**

Calculations of a child supports obligation are to consider and assume that one (1) parent acts as a primary caregiver and the other parent contributes a payment of child support to the child's care as follows:

- 1) Net income received by an Obligor from all sources not otherwise excluded must be considered in the determination of available money for child support;
- 2) The responsibility of the non-custodial parent to support other children either in his or her care or children he or she is paying support for by the Court order shall be taken into account in determining the child support obligation.
- 3) When applying the Guidelines, an Obligor's monthly net income either may be rounded up or down to the nearest increment on the guidelines chart by the Court;
- 4) The annual total of all income considered in determining a child support obligation must be determined and then divided by twelve (12) in order to determine the Obligor's monthly net income;

- 5) Income must be sufficiently documented through the use of tax returns, current wage statements, and other information in order to fully apprise the Court of the Obligor's income;
- 6) Where gross income is subject to fluctuation, regardless of whether the Obligor is employed or self-employed, information regarding the fluctuations of employment must be provide to the Court., The Court may then calculate an average weekly, monthly or annual hours of work and income to arrive at a monthly amount for child support;
- 7) When the Obligor has seasonal employment, The Court may annualize the gross income to determine the month child support obligation or may establish the monthly child support obligation based upon the Obligor's income for a period it is received. If the Court chooses to establish the monthly child support obligation based upon the Obligor's income for the period it is received, the Court;
- 8) Where it is determined by the Court that the non-custodial parent is voluntarily unemployed or underemployed, the Court shall compute the amount of support based upon the partial earning capacity of the unemployed or underemployed person. In making that determination the Court shall consider:
  - a) Prior employment, educational background and history;
  - b) Availability of employment in the area for which the parent is qualified and;
  - c) Prevailing wage rates and unemployment rate in the area.
- 9) A child support obligation shall be established in each case regardless whether the Obligor has any income and or lacks the ability to produce income. This requirement includes incarcerated individual. If the Obligor has no income, the Court shall establish child support at the minimum level as established by the Guidelines.
- 10) Each child support order must include a statement of the net income of the Obligor used to determine the child support obligation, and how the net income was determined.
- 11) The Court cannot retroactively modify child support obligation or arrearages (see Title 5.714).
- 12) Any order of child support issued under this chapter shall be effective the earlier of the date of filing of a petition for child support, or, if the child for whom support is being sought is in receipt of public assistance, the date for which the



child's eligibility for public assistance was effective. Any retroactive amount of support shall be support arrears.

- 13) If a child's needs are not being met through the income of the Obligor, assets of the Obligor (liquid or non-liquid) shall be considered in determining the child support obligation.

#### **5-711 Determination of Child Support Amount: Split Custody**

A child support obligation must be determined for the child or children in each parent's custody. The lesser obligation is to be subtracted from the greater obligation. The difference is the child support amount by the parent with the greater obligation.

#### **5-712 Child Support Guidelines**

##### **A) Guidelines**

The Tribe designates the SRST CSEA To establish and to periodically modify child support Guidelines as needed to assist the Court in determining the amount of child support a parent should be expected to contribute.

The Guidelines must, at a minimum:

- 1) Meet the basic needs of the child(ren) for housing, clothing, food education, health care and goods and services required by physical and mental disability;
- 2) Take into consideration all earning and income of the non-custodial parent;
- 3) Be based on specific descriptive and numeric criteria to result in a computation of the child support obligation;
- 4) Provide for a child's healthcare needs either through assuring Indian Health Service (IHS) coverage as well as benefits that supplement those benefits, and provide that each parent pay his or her share of uninsured medical expenses.

##### **B) Deviation**

Deviation from the Guidelines may be raised upon factors such as:

- 1) The amount of visitation exercised by the non-custodial parent, including provisions for suspension of support when the non-custodial parent exercises visitation for an extended period of time, if the Court makes a finding that the temporary suspension of support is warranted;
- 2) Whether and to what extent the non-custodial parent provides substantial transportation for visitation;

- 3) Income contributed to the child by third persons included extended family members of the non-custodial parent;
- 4) Income contributed to the non-custodial parent a third party including spouses;
- 5) Special medical needs of the child not covered by medical insurance or the Indian Health Service (IHS)
- 6) Daycare expenses contributed by or provided by the non-custodial parent;
- 7) The age of the child;
- 8) The ability of the non-custodial parent to obtain employment due to his or her mental or physical incapability;
- 9) Consideration of the economic condition of the non-custodial parent and his or her ability or inability to obtain gainful employment with the Reservation;
- 10) Consideration of the value of the non-custodial parent's liquid or non-liquid assets when income is not sufficient to meet the needs of the child; and
- 11) Any other grounds cited by the Court.

In any case where deviation is granted, the Court shall expressly state on the record the grounds for deviation.

**C) Other Income**

The Guidelines may take into consideration cases of overtime wages, nonrecurring bonuses or tips over which the Obligor does not have significant influence or control.

**D) Non-Cash Support**

Non-cash support may be permitted to satisfy support obligations. Where non-cash support is allowed by the Court, the court order shall state the dollar amount value of the no-cash support order; the type(s) of non-cash support that will be permitted to satisfy the underlying specific dollar amount of the court order; and provide that such non-cash support payments will not be permitted to satisfy assigned support obligations.

**E) Presumption**

There is a rebuttable presumption that the amount of child support that would result from the application of the Guidelines is the correct amount of child support. Every

order or decree establishing or modifying a child support order shall state the presumptive amount of support.

The presumption may be rebutted by a preponderance of the evidence establishing that the child support amount established under the Guidelines taking into account the needs of the child or children is not the correct amount of child support. Either a written finding of specific finding on the record must be made if the Court determines that the presumption has been rebutted the finding must:

- 1) State the child support amount determined through application of the Guidelines;
- 2) Identify the criteria that rebuts the presumption of correctness of the amount, and
- 3) State the child support amount determined after application of the criteria that rebuts the presumption.

**F) Review**

The SRST CSEA shall review the child support Guidelines at least once every four (4) years to: (1) ensure that the amount provided for the Guidelines are adjusted for increases or decreases associated with the cost of caring for children on the Standing Rock Sioux Reservation; and (2) to review proposals and to decide whether any additional deviation criteria be added, modified or deleted from the existing Guidelines, all statutory changes to be presented to Tribal Council for final approval.

**5-713 Child Support Agreements**

Agreements regarding child support shall be submitted to the Court. If the agreed amount of support deviates from the presumptive amount of support, the parties shall furnish statements explaining why they have agreed to a lesser or greater amount than the presumed amount. The Court may reject agreed upon support amount if the parties do not demonstrate good grounds for deviating from the presumptive amount.

Agreements to waive or relieve an Obligor of any current or future duty of child support must be thoroughly examined by the Court and only may be approved by the Court upon a specific finding made by the Court that the waiver of child support is in the best interest of the minor child.

**5-714 Modifications**

After passage of Guidelines by the Tribal Council, current child support orders may be modified to conform to the Guidelines after notice and hearing, unless the amount of support previously entered was the result of an agreement which the Court finds to be equitable in light of the Guidelines. In no case may the Court retroactively modify an order for support previously

entered. The SRST CSEA shall review any Title IV-D order of child support every three (3) years to determine if more or less support is warranted under the established Guidelines.

### **5-715 Civil Enforcement of Child Support Obligations**

#### **A) Purpose**

It is the intent of this Chapter of the Child Support Act to allow for the prompt collection and enforcement of child support from non-custodial parents in a manner that is consistent with Due Process of law under the Tribe's Constitution, while permitting the Court and the SRST CSEA to use all lawful methods to collect support. The SRST CSEA in conjunction with the Tribe's Finance Department, shall be responsible for the collection, accounting, and disbursement of all support ordered by the Court.

#### **B) Income Withholding**

In any case where the Tribal Court has set a child support order, or has recognized an order of support from a foreign jurisdiction under 28 U.S.C §1738B, the Court shall enter an order directed to the employer of the non-custodial parent, requiring the employer to withhold and pay the amount of present support, plus any amount ordered to be paid in arrearages, to the SRST CSEA shall establish procedures for the disbursement of amounts collected under this section, to the custodial parent, and/or to the Tribal or State Agency due the amounts collected.

Income withholding under this section is mandatory even if the non-custodial parent is not delinquent in paying for his support, except where:

- 1) The custodial and non-custodial parent demonstrates and the Court enters a finding, that there is good cause not to require income withholding; or
- 2) A signed written agreement is reached between the custodial and non-custodial parent that provides for an alternative arrangement which is reviewed and entered into the record by the Court.

Where immediate income withholding is not in place, the income of the non-custodial parent shall become subject to withholding, at the earliest, on the date on which the payments which the non-custodial parent has failed to make under a Tribal support order are at least equal to the support payable for one (1) month.

In addition to the above, the following Code provisions shall apply and be implemented as necessary by SRST policies and procedures as set forth in the SRST Policies and Procedures Manual:

- 1)The only basis for contesting an Income Withholding Order is a Mistake of Fact, which means either an error in the amount of current or past due support owned or in the identity of the alleged Non-Custodial Parent/Obligor. A Mistake of Fact issued may be contested by the Non-

Custodial Parent/Obligor in accordance with Trial Court Rules and principles of Due Process.

2) The SRST CSEA shall allocate withheld amounts across multiple Income Withholding Orders to ensure that in no case shall allocation result in a withholding for one (1) of the Income Withholding Orders not being implemented.

3) In all instances, the SRST CSEA will promptly refund any amounts that have been improperly withheld.

4) The SRST CSEA will promptly terminate an Income Withholding Order in any case where there is no longer a current order for support and all arrearages have been satisfied.

5) If an employer fails to withhold income in accordance with an Income Withholding Order, the Tribal Court shall hold the employer liable for the accumulated amount the employer should have withheld from the Non-Custodial Parent(s)/Obligor(s) income.

6) Any employer is subject to a fine pursuant to an Order to Show Cause proceeding for discarding an Obligor from employment, refusing to employ or taking disciplinary action against any Obligor because of the Income Withholding Order. The Obligor's employer must be provided prior notice using the "Federal Income Withholding Order for Support" and "Income Withholding Order- Instructions" (OMB 0970-0154)". The notice also must provide that any Income Withholding Order takes precedence over any other lawful debt owed to the Obligor, except federal or state (if applicable) income withholding taxes. Whenever an employer or self-employed payee discharges, refuses to employ, or takes disciplinary action against a Non-Custodial Parent/Obligor as a result of an Income Withholding Order, the employer or self-employed payee shall be subject to a Tribal Court fine of One Hundred Dollars (\$100.00) per verified incidence.

**C) Income Withholding Order**

To process income withholding the SRST CSEA shall send the non-custodial parent's employer notice by using the standard "Federal Income Withholding Order for Support" and "Income Withholding Order-Instructions" (OMB 0970-0154).

OMB Form 0970-154 sets forth the following:

- 1) Identifies the Employee/Obligor's name, and social security number (if known);
- 2) Identifies the Custodial Party/Obligor's name;

- 3) Identifies the Employer Income Withholder's name and address and Federal EIN;
- 4) Identifies each child's name and date of birth;
- 5) Identifies the Tribe or State that issued the order;
- 6) States the current child support and/or past due amounts to be withheld;
- 7) States the current medical support and/or past due amounts to withhold;
- 8) States the current spousal support and/or past due amounts to withhold;
- 9) States any miscellaneous obligations dollar amount to be withheld;
- 10) Totals the amount of the deductions to be withheld; and
- 11) States the time-period that corresponds to the amount to be withheld;
- 12) Permits the employer to assess the administrative fee as set by the Tribe in the amount of one dollar and fifty cents (\$1.50) per payment processed;
- 13) Notifies the employer that the employer is prevented by law from refusing to employ, initiating or taking any form of disciplinary action against the Obligor, or discharging the Obligor because of the income withholding order;
- 14) Notifies the employer and the Obligor of the priorities for payment should the Obligor be paying support for other children pursuant to a previous income withholding order;
- 15) Notifies the employer that any income withholding order for child support takes precedence over any other lawful debt owed by the Obligor, except Federal or State (if applicable) income withholding taxes;
- 16) Notifies the employer that the withheld amount may not exceed fifty percent (50%) of the Obligor's net income, after taxes;
- 17) Where any employer fails to comply with an order from the Court directing income withholding, the employer will be liable for the accumulated amount the employer should have withheld from the non-custodial parent's income.

D) **Tribal & Foreign Support Orders**

If the employer of the non-custodial parent is the Tribe or a Tribal entity, the Tribe or the Tribal entity shall be required to withhold the amount of support and to forward payments to the SRST CSEA just as any other employer is required to do, provided the income withholding order comes from the Standing Rock Sioux Tribal Court. The Tribe and its jurisdiction unless the order has been first filed with the Court and the Court has recognized that order.

In no way shall this section be construed as a waiver of the Tribe's Sovereign Immunity from suit and such action to withhold wages from the non-custodial parent shall not be deemed to be garnishment action.

E) **Collection of Child Support From Other Sources**

In addition to income withholding as an enforcement method, the SRST CSEA also is authorized to enforce cases and collect child support utilizing a number of additional enforcement remedies as follows:

1) To apply for Parent Locator services anytime during the processing of the case that can assist the SRST CSEA in the location of either the custodial or non-custodial parent and their sources of income and assets;

2) To apply for the intercept of the child support Obligor's Federal or State tax refund (if possible), in the amount identified by the Court as the appropriate arrearage. Notice of the proposed tax intercept must first be sent to the non-custodial parent/Obligor. Any amounts intercepted shall first be applied to the amounts owed the Tribal or State agency for past support of the child(ren), and then to any arrearages owed to the custodial parent. Any case submitted for Federal Tax Refund Offset will be automatically submitted to the State Department's Passport Denial Program if the Obligor owes child support arrearages that are greater than the Federally mandated threshold (See "Child Support Recovery Act"(CSRA)(1992)) unless the SRST CSEA Specially requests that the Obligor's name be excluded from the submission;

3) To apply for inclusion in any Financial Institution Data Match programs that the State IV-D agency operates which would permit the identification of accounts of non-paying Obligor's who maintain a financial institution account, including a request that the State agency impose liens or levies upon accounts help by the Obligor, Any amounts collected shall first be applied to any Tribal or State agency owed money for supporting a child or children and if none, then to the custodial parent;

4) To apply for the intercept of any worker's compensation or unemployment compensation benefits and other such benefits owed to the Obligor in the amount identified by the Court;

5) To apply for the intercept of any per capita payments and Tribal gaming winnings of the Obligor limited to the amount of the arrearages owing under the Obligor's support judgment;

6) To file a lien against all non-exempt real and/or personal property owned by the Obligor wherever the property is located or existing and which is based on a judgment for child support entered by the court. A lien shall not be filed against any trust or allotted land without prior consent of the Department of the Interior, Bureau of Indian Affairs (BIA).

To initiate the lien process, the SRST CSEA shall send the non-custodial parent/Obligor, "Notice of Lien" by using the standard "Notice of Lien" and "Instructions for the Notice of Lien" (OMB 0970-0153);

7) To inform any Tribal agency which issues gaming, hunting, fishing, business license or any other license, including the privilege to drive on the Reservation's public highways, in any case in which Obligor owes more than \$1,000.00 in back child support to either the custodial parent or a Tribal or State agency. No Tribal agency may issue a gaming, hunting, fishing, business or any other license to such Obligor unless and until that agency is informed by the SRST CSEA that the Obligor has entered into a satisfactory agreement for repayment of the back child support. At least thirty (30) days prior to informing Tribal agencies of Obligor's owing the specified back child support, the SRST CSEA shall inform the Obligor, at Obligor's last known address, that Obligor has thirty (30) days to contact the SRST CSEA to arrange a plan for repayment or to dispute the allegations. If Obligor enters into such repayment plan with the SRST CSEA, Obligor shall be informed that if Obligor violates the repayment, Tribal agencies which issue licenses shall be immediately informed and the agency shall be prohibited from issuing any license.

8) To apply for Credit Bureau reporting that the State IV-D agency operates with regard to orders for support in which the Obligor is at least three (3) or more months delinquent.

9) To initiate referrals for Federal Criminal Prosecution for Non-Support, as authorized by the Child Support Recovery Act of 1992 and the Deadbeat Parents Punishment Act of June 1998.



**F) Collection of Support From Parents of Children in Tribal Foster Care**

In any case where the SRST CSEA collects child support amounts from a parent of a child in Tribal Foster care, pursuant to Federal Regulations, these amounts shall promptly be reimbursed to the IV-E agency.

**5-716 Contempt: Willful Failure to Pay Child Support**

**A) Willful Failure to Pay Child Support**

A person is guilty of willful failure to pay child support if the person willfully fails to pay child support in an amount ordered by the Court.

**B) What Constitutes Prima Facie Evidence of a Contempt of Court**

When the Court enters an order compelling a person to furnish support necessary food, clothing, shelter, medical assistance, or other remedial care for his or her child, proof that the order was made, filed and served on the parent or proof that the parent was present in court at the time the order was pronounced and proof that the parent did not comply with the order is prima facie evidence of a contempt of court.

**C) Separate Courts**

If the contempt alleged is for failure to pay child support, each month for which payment has not been made in full may be alleged as a separate count of contempt and punishment imposed for each count proven.

**D) Affirmative Defense**

It is an affirmative defense to the charge in Subsection 5.716 (A) above, that the Respondent suffered from a disability during the periods an unpaid child support obligation occurred, such as to effectively preclude the Respondents employment at any gainful occupation. This defense is only available if the Respondent lacked the means to pay the ordered amounts other than form employment.

**E) Admissibility of Certified Copy of Payment Record**

The Clerk of Court and any authorized agent of the SRST CSEA, in any circumstance or in any proceeding requiring proof of the contents of the official records of the SRST CSEA regarding any information maintained in the SRST CSEA's automated data processing system may certify the content of those records. A certification provided under this section is admissible as prima facie evidence of the content of those records.

**F) Punishment for Willful Failure to Pay Child Support**

In any court action in which a person is found in contempt of court for failure to comply with a court order pursuant to Title V, of the Family Code, the Court shall order the following:

Upon the finding of a first contempt, the Court shall order the contemnor to perform community service up to 120 hours, or be imprisoned up to 120 hours, for each count of contempt.

1) Upon the second finding of contempt, the Court shall order the contemnor to perform community service up to 120 hours, in addition to ordering imprisonment of the contemnor up to 120 hours for each count of contempt.

2) Upon the third or any subsequent finding of contempt, the Court shall order the contemnor to serve a term of imprisonment of up to 240 hours, and to perform community service up to 240 hours, for each count of contempt.

3) The Court shall take into consideration the parties' employment schedules when ordering either community service or imprisonment or both.

**5-717 No Attorney Client Relationship Established When SRST CSEA Attorney Brings Action in Court to Establish or Enforce Support Obligations**

The SRST CSEA may employ or contract with a licensed attorney as approved by the Tribal Council. The licensed attorney represents the interests of the SRST CSEA in enforcing child support obligations. Nothing in this section may be construed to modify confidentiality required of the child support agency. Representation by either an employed or contracted attorney working for SRST CSEA does not create an attorney client relationship between the attorney and any party or witness to the action, other than to the SRST CSEA, regardless of the name in which the action is brought.

**5-718 Employee or Contract Employee Special Provision**

Any infliction of bodily injury or any employee or contracted individual on duty at the time of the inflicted bodily injury, shall be charged as aggravated assault pursuant to Title IV. Chapter 518(e) "SRST Criminal Offenses".

**5-719 Severability**

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

**5-720 Applicable Law**

In any matter arising under this Chapter, the Court shall follow the provisions of this Chapter. In the event the provisions of this Chapter are silent on a particular matter, the Court shall give binding effect and follow the Applicable Laws provision as set forth in Section 2.401 of the Code of Justice.

**5-721 Child Support Guidelines Schedule**

The amount of child support payable by the obligor is determined by the application of the following schedule to the Obligor's monthly net income and the number of children for whom support is being sought in the matter before the court.

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
0-300	51	81	99	108	117	126
350	60	95	116	126	137	147
400	68	108	132	144	156	168
450	77	122	149	162	176	189
500	85	135	165	180	195	210
550	94	149	182	198	215	231
600	102	162	198	216	234	252
650	111	176	215	234	254	273
700	119	189	231	252	273	294
750	128	203	248	270	293	315
800	136	216	264	288	312	336
850	145	230	281	306	332	357
900	153	243	297	324	351	378
950	162	257	314	342	371	399
1,000	170	270	330	360	390	420
1,050	179	284	347	378	410	441
1,100	187	297	363	396	429	462
1,150	196	311	380	414	449	483
1,200	204	324	396	432	468	504
1,250	213	338	413	450	488	525
1,300	221	351	429	468	507	546
1,350	230	365	446	486	527	567
1,400	238	378	462	504	546	588
1,450	247	392	479	522	566	609
1,500	255	405	495	540	585	630
1,550	264	419	512	558	605	651
1,600	272	432	528	576	624	672
1,650	281	446	545	594	644	693
1,700	289	459	561	612	663	714
1,750	298	473	578	630	683	735
1,800	306	486	594	648	702	756
1,850	315	500	611	666	722	777
1,900	323	513	627	684	741	798

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
1,950	332	527	644	702	761	819
2,000	340	540	660	720	780	840
2,050	349	554	677	738	800	861
2,100	357	567	693	756	819	882
2,150	366	581	710	774	839	903
2,200	374	594	726	792	858	924
2,250	383	608	743	810	878	945
2,300	391	621	759	828	897	966
2,350	400	635	776	846	917	987
2,400	408	648	792	864	936	1,008
2,450	417	662	809	882	956	1,029
2,500	102	342	502	900	975	1,050
2,550	434	689	842	918	995	1,071
2,600	442	702	858	936	1,014	1,092
2,650	451	716	875	954	1,034	1,134
2,700	459	729	891	972	1,053	1,155
2,750	468	743	908	990	1,073	1,115
2,800	476	756	924	1,008	1,092	1,176
2,850	485	770	941	1,026	1,112	1,197
2,900	493	783	957	1,044	1,131	1,218
2,950	502	797	974	1,062	1,151	1,239
3,000	510	810	990	1,080	1,170	1,260
3,050	519	824	1,007	1,098	1,190	1,281
3,100	527	837	1,023	1,116	1,209	1,302
3,150	536	851	1,040	1,134	1,229	1,323
3,200	544	864	1,056	1,152	1,248	1,344
3,250	553	878	1,073	1,170	1,268	1,365
3,300	561	891	1,089	1,188	1,287	1,386
3,350	570	905	1,106	1,206	1,307	1,407
3,400	578	918	1,122	1,224	1,326	1,428
3,450	587	932	1,139	1,242	1,346	1,449
3,500	595	945	1,155	1,260	1,365	1,470
3,550	604	959	1,172	1,278	1,385	1,491
3,600	612	972	1,188	1,296	1,404	1,512
3,650	621	986	1,205	1,314	1,424	1,533
3,700	629	999	1,221	1,332	1,443	1,554
3,750	638	1,013	1,238	1,350	1,463	1,575
3,800	646	1,026	1,254	1,368	1,482	1,596
3,850	655	1,040	1,271	1,386	1,502	1,671
3,900	663	1,053	1,287	1,404	1,521	1,638
3,950	672	1,067	1,304	1,422	1,541	1,659

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
4,000	680	1,080	1,320	1,440	1,560	1,680
4,050	689	1,094	1,337	1,458	1,580	1,701
4,100	697	1,107	1,353	1,476	1,559	1,722
4,150	706	1,121	1,370	1,494	1,619	1,743
4,200	714	1,134	1,386	1,512	1,638	1,764
4,250	723	1,148	1,403	1,530	1,658	1,785
4,300	731	1,161	1,419	1,548	1,677	1,806
4,350	740	1,175	1,436	1,566	1,697	1,827
4,400	748	1,188	1,452	1,584	1,716	1,848
4,450	757	1,202	1,469	1,602	1,736	1,869
4,500	765	1,215	1,485	1,620	1,755	1,890
4,550	774	1,229	1,502	1,638	1,775	1,911
4,600	782	1,242	1,518	1,656	1,794	1,932
4,650	791	1,256	1,535	1,674	1,814	1,953
4,700	799	1,269	1,551	1,692	1,833	1,974
4,750	808	1,283	1,568	1,710	1,853	1,995
4,800	816	1,296	1,584	1,728	1,872	2,016
4,850	825	1,310	1,601	1,746	1,892	2,037
4,900	833	1,323	1,617	1,764	1,911	2,058
4,950	842	1,337	1,634	1,782	1,931	2,079
5,000	850	1,350	1,650	1,800	1,950	2,100
5,050	859	1,364	1,667	1,818	1,970	2,121
5,100	867	1,377	1,683	1,836	1,989	2,142
5,150	876	1,391	1,700	1,854	2,009	2,163
5,200	884	1,404	1,716	1,872	2,028	2,184
5,250	901	1,431	1,749	1,908	2,067	2,226
5,300	910	1,145	1,766	1,926	2,087	2,247
5,350	927	1,472	1,799	1,962	2,126	2,289
5,400	935	1,485	1,815	1,980	2,145	2,310
5,450	944	1,499	1,832	1,998	2,165	2,331
5,500	952	1,512	1,848	2,016	2,184	2,352
5,550	961	1,526	1,865	2,034	2,204	2,373
5,600	978	1,553	1,898	2,070	2,243	2,415
5,650	961	1,526	1,865	2,034	2,204	2,373
5,700	969	1,539	1,881	2,052	2,223	2,394
5,750	978	1,553	1,898	2,070	2,243	2,415
5,800	986	1,566	1,914	2,088	2,262	2,436
5,850	995	1,580	1,931	2,106	2,282	2,457
5,900	1,003	1,593	1,947	2,124	2,301	2,478
5,950	1,012	1,607	1,964	2,142	2,321	2,499
6,000	1,020	1,620	1,980	2,160	2,340	2,520

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
6,050	1,029	1,634	1,997	2,178	2,360	2,541
6,100	1,037	1,647	2,013	2,196	2,379	2,562
6,150	1,046	1,661	2,030	2,214	2,399	2,583
6,200	1,054	1,674	2,046	2,232	2,418	2,604
6,250	1,063	1,688	2,063	2,250	2,438	2,625
6,300	1,071	1,701	2,079	2,268	2,457	2,646
6,350	1,080	1,715	2,096	2,286	2,477	2,667
6,400	1,088	1,728	2,112	2,304	2,496	2,688
6,450	1,097	1,742	2,129	2,322	2,516	2,709
6,500	1,105	1,755	2,145	2,340	2,535	2,730
6,550	1,131	1,796	2,195	2,394	2,594	2,793
6,600	1,122	1,782	2,178	2,376	2,574	2,772
6,650	1,131	1,796	2,195	2,394	2,594	2,793
6,700	1,139	1,809	2,211	2,412	2,613	2,814
6,750	1,148	1,823	2,228	2,430	2,633	2,835
6,800	1,156	1,836	2,244	2,448	2,652	2,856
6,850	1,165	1,850	2,261	2,466	2,672	2,877
6,900	1,172	1,863	2,277	2,484	2,691	2,898
6,950	1,182	1,877	2,294	2,502	2,711	2,919
7,000	1,190	1,890	2,310	2,520	2,730	2,940
7,050	1,199	1,904	2,327	2,538	2,750	2,961
7,100	1,207	1,917	2,343	2,556	2,769	2,982
7,150	1,216	1,931	2,360	2,574	2,789	3,003
7,200	1,224	1,944	2,376	2,592	2,808	0,324
7,250	1,233	1,958	2,393	2,610	2,828	3,045
7,300	1,241	1,971	2,409	2,628	2,847	3,066
7,350	1,250	1,985	2,426	2,646	2,867	3,087
7,400	1,258	1,998	2,442	2,664	2,886	3,108
7,450	1,267	2,012	2,459	2,682	2,906	3,129
7,500	1,275	2,025	2,475	2,700	2,925	3,150
7,550	1,284	2,039	2,492	2,718	2,945	3,171
7,600	1,292	2,052	2,508	2,736	2,964	3,192
7,650	1,301	2,066	2,525	2,754	2,984	3,213
7,700	1,309	2,079	2,541	2,772	3,003	3,234
7,750	1,318	2,093	2,558	2,790	3,023	3,255
7,800	1,329	2,106	2,574	2,808	3,042	3,276
7,850	1,335	2,120	2,591	2,826	3,062	3,297
7,900	1,343	2,133	2,604	2,844	3,081	3,318
7,950	1,352	2,147	2,624	2,862	3,101	3,339
8,000	1,360	2,160	2,640	2,880	3,120	3,360
8,050	1,369	2,174	2,657	2,898	3,140	3,381

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
8,100	1,377	2,187	2,673	2,916	3,159	3,402
8,150	1,386	2,201	2,690	2,934	3,179	3,402
8,200	1,394	2,214	2,706	2,952	3,198	3,444
8,250	1,403	2,228	2,723	2,970	3,218	3,465
8,300	1,411	2,241	2,739	2,988	3,237	3,486
8,350	1,420	2,255	2,756	3,006	3,257	3,507
8,400	1,428	2,268	2,772	3,024	3,276	3,528
8,450	1,437	2,282	2,789	3,042	3,296	3,549
8,500	1,445	2,295	2,805	3,060	3,315	3,570
8,550	1,454	2,309	2,822	3,078	3,335	3,591
8,600	1,462	2,322	2,838	3,096	3,354	3,612
8,650	1,474	2,336	2,855	3,114	3,374	3,633
8,700	1,479	2,349	2,871	3,132	3,393	3,654
8,750	1,488	2,363	2,888	3,150	3,413	3,675
8,800	1,496	2,376	2,904	3,168	3,432	3,696
8,850	1,505	2,390	2,921	3,186	3,452	3,717
8,900	1,513	2,403	2,937	3,204	3,471	3,738
8,950	1,522	2,417	2,954	3,222	3,491	3,759
9,000	1,530	2,430	2,970	3,240	3,510	3,780
9,050	1,539	2,444	2,987	3,258	3,530	3,801
9,100	1,547	2,457	3,003	3,276	3,549	3,822
9,150	1,556	2,471	3,020	3,294	3,569	3,843
9,200	1,564	2,484	3,036	3,312	3,588	3,864
9,250	1,573	2,498	3,053	3,330	3,608	3,885
9,300	1,581	2,511	3,069	3,348	3,627	3,906
9,350	1,590	2,525	3,086	3,366	3,647	3,927
9,400	1,598	2,538	3,102	3,384	3,666	3,948
9,450	1,607	2,552	3,119	3,402	3,686	3,969
9,500	1,615	2,565	3,135	3,420	3,705	3,990
9,550	1,624	2,579	3,152	3,438	3,725	4,011
9,600	1,632	2,592	3,168	3,456	3,744	4,032
9,650	1,641	2,606	3,185	3,474	3,764	4,053
9,700	1,649	2,619	3,201	3,492	3,783	4,074
9,750	1,658	2,633	3,218	3,510	3,803	4,095
9,800	1,666	2,646	3,234	3,528	3,822	4,116
9,850	1,675	2,660	3,251	3,546	3,842	4,137
9,900	1,683	2,673	3,267	3,564	3,861	4,158
9,950	1,692	2,687	3,284	3,582	3,881	4,179
10,000	1,700	2,700	3,300	3,600	3,900	4,200
10,050	1,709	2,714	3,317	3,618	3,920	4,221
10,100	1,717	2,727	3,333	3,636	3,939	4,242

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
10,150	1,726	2,741	3,350	3,654	3,959	4,263
10,200	1,734	2,754	3,366	3,672	3,978	4,284
10,250	1,743	2,768	3,383	3,690	3,998	4,305
10,300	1,751	2,781	3,399	3,708	4,017	4,326
10,350	1,760	2,795	3,416	3,726	4,037	4,347
10,400	1,768	2,808	3,432	3,744	4,056	4,368
10,450	1,777	2,822	3,449	3,762	4,076	4,389
10,500	1,794	2,849	3,482	3,798	4,115	4,431
10,550	1,794	2,849	3,482	3,798	4,115	4,431
10,600	1,802	2,862	3,498	3,816	4,134	4,452
10,650	1,811	2,876	3,515	3,834	4,154	4,473
10,700	1,819	2,889	3,531	3,852	4,173	4,494
10,750	1,828	2,903	3,548	3,870	4,193	4,515
10,800	1,836	2,916	3,564	3,888	4,212	4,536
10,850	1,845	2,930	3,581	3,906	4,232	4,557
10,900	1,853	2,943	3,597	3,924	4,251	4,578
10,950	1,862	2,957	3,614	3,942	4,271	4,599
11,000	1,870	2,970	3,630	3,960	4,290	4,620
11,050	1,879	2,984	3,647	3,978	4,310	4,641
11,100	1,887	2,997	3,663	3,996	4,323	4,657
11,150	1,896	3,011	3,680	4,014	4,349	4,683
11,200	1,904	3,024	3,696	4,032	4,368	4,704
11,250	1,913	3,038	3,713	4,050	4,388	4,725
11,300	1,921	3,051	3,729	4,068	4,407	4,746
11,350	1,930	3,065	3,746	4,086	4,427	4,767
11,400	1,938	3,078	3,762	4,104	4,446	4,788
11,450	1,947	3,092	3,779	4,122	4,466	4,809
11,500	1,955	3,105	3,795	4,140	4,485	4,830
11,550	1,964	3,119	3,812	4,158	4,505	4,851
11,600	1,972	3,132	3,828	4,176	4,524	4,872
11,650	1,981	3,146	3,845	4,194	4,544	4,893
11,700	1,989	3,159	3,861	4,212	4,563	4,914
11,750	1,998	3,173	3,878	4,230	4,583	4,935
11,800	2,006	3,186	3,894	4,248	4,602	4,956
11,850	2,015	3,200	3,911	4,266	4,622	4,977
11,900	2,023	3,213	3,927	4,284	4,641	4,998
11,950	2,032	3,227	3,944	4,302	4,661	5,019
12,000	2,040	3,240	3,960	4,320	4,680	5,040
12,050	2,049	3,254	3,977	4,338	4,700	5,061
12,100	2,057	3,267	3,993	4,356	4,719	5,082
12,150	2,066	3,281	4,010	4,374	4,739	5,103



<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
12,200	2,074	3,294	4,026	4,392	4,758	5,124
12,250	2,083	3,308	4,043	4,410	4,778	5,145
12,300	2,091	3,321	4,059	4,428	4,797	5,166
12,350	2,100	3,335	4,076	4,446	4,817	5,187
12,400	2,108	3,348	4,092	4,464	4,836	5,208
12,450	2,117	3,362	4,109	4,482	4,856	5,229
12,500	2,125	3,375	4,125	4,500	4,875	5,250
12,550	2,134	3,389	4,142	4,518	4,895	5,271
12,600	2,142	3,402	4,158	4,536	4,914	5,292
12,650	2,151	3,416	4,175	4,554	4,934	5,313
12,700	2,159	3,429	4,191	4,572	4,953	5,334
12,750	2,168	3,443	4,208	4,590	4,973	5,355
12,800	2,176	3,456	4,224	4,608	4,992	5,376
12,850	2,185	3,470	4,241	4,626	5,012	5,397
12,900	2,193	3,483	4,257	4,644	5,031	5,418
12,950	2,202	3,497	4,274	4,662	5,051	5,439
13,000	2,210	3,510	4,290	4,680	5,070	5,460
13,050	2,219	3,524	4,307	4,698	5,090	5,481
13,100	2,227	3,537	4,323	4,716	5,109	5,502
13,150	2,236	3,551	4,340	4,734	5,129	5,523
13,200	2,244	3,564	4,356	4,752	5,148	5,544
13,250	2,253	3,578	4,373	4,770	5,168	5,565
13,300	2,261	3,591	4,389	4,788	5,187	5,586
13,350	2,270	3,605	4,406	4,806	5,207	5,607
13,400	2,278	3,618	4,422	4,824	5,226	5,628
13,450	2,295	3,646	4,455	4,860	5,265	5,670
13,500	2,304	3,659	4,472	4,878	5,285	5,691
13,550	2,270	3,605	4,406	4,806	5,207	5,607
13,600	2,312	3,672	4,488	4,896	5,304	5,712
13,650	2,321	3,686	4,505	4,914	5,324	5,733
13,700	2,329	3,699	4,521	4,932	5,343	5,754
13,750	2,338	3,713	4,538	4,950	5,363	5,775
13,800	2,346	3,726	4,554	4,968	5,382	5,796
13,850	2,355	3,740	4,571	4,986	5,402	5,817
13,900	2,363	3,753	4,587	5,004	5,421	5,838
13,950	2,372	3,767	4,604	5,022	5,441	5,859
14,000	2,380	3,780	4,620	5,040	5,460	5,880
14,050	2,389	3,794	4,637	5,058	5,480	5,901
14,100	2,397	3,807	4,653	5,076	5,499	5,922
14,150	2,406	3,821	4,670	5,094	5,519	5,943
14,200	2,414	3,834	4,686	5,112	5,538	5,964

<b>Monthly Net Income In Dollars</b>	<b>One Child (17%)</b>	<b>Two Children (27%)</b>	<b>Three Children (33%)</b>	<b>Four Children (36%)</b>	<b>Five Children (39%)</b>	<b>*Six Children (42%)</b>
14,250	2,423	3,848	4,703	5,130	5,558	5,985
14,300	2,431	3,861	4,719	5,148	5,577	6,006
14,350	2,440	3,875	4,736	5,166	5,597	6,027
14,400	2,448	3,888	4,752	5,184	5,616	6,048
14,450	2,457	3,902	4,769	5,202	5,636	6,069
14,500	2,465	3,915	4,785	5,220	5,655	6,090
14,550	2,474	3,929	4,802	5,238	5,675	6,111
14,600	2,482	3,942	4,818	5,256	5,694	6,132
14,650	2491	3956	4835	5274	5714	6153
14,700	2499	3969	4851	5292	5733	6174
14,750	2508	3983	4868	5310	5753	6195
14,800	2516	3996	4884	5328	5772	6216
14,850	2525	4010	4901	5346	5792	6237
14,900	2533	4023	4917	5364	5811	6258
14,950	2542	4037	4934	5382	5831	6279
15,000	2550	4050	4950	5400	5850	6300

\* For each additional child over six children increase in percentage by one (1%)