

# TITLE V

## FAMILY CODE

### Standing Rock Sioux Tribal Code of Justice



**Amendment to Chapter 7 Child Support Act**

**Ordinance 316-11 - Resolution 472-15**

Approved October 21, 2015

BY

\*\*\*

**Standing Rock Sioux Tribal Council**

## RESOLUTION NO. 472-15

**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 1[a], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe; 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 Sioux Tribal Council hereby acknowledges that the children of this Tribe represents the hope and future of this nation and that its continued existence rests with the children; and

**WHEREAS**, in order to assist the children, it is necessary that parents of children do all that is possible to support the children and this includes the provision of child support for those children who do not have both parents in the home; and

**WHEREAS**, in order for the Child Support Enforcement Agency to ensure it can adequately enforce child support orders through the restriction of Tribally issued licenses while factoring appropriate income levels in the Standing Rock area;

**NOW THEREFORE BE IT RESOLVED**, that the Standing Rock Sioux Tribe does hereby approve the amendments to the Code of Justice Title V, Chapter 7, Section 5-715 [E][7]; and

**BE IT FURTHER RESOLVED**, that the Chairman and 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 13 constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held on the 21<sup>st</sup> day of **OCTOBER, 2015**, and that the foregoing resolution was duly adopted by the affirmative vote of 12 members, with 0 opposing, and with 1 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.**

DATED THIS 21<sup>st</sup> DAY OF OCTOBER, 2015.

ATTEST:



Adele M. White, Secretary  
Standing Rock Sioux Tribe



Dave Archambault II, Chairman  
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

## ORDINANCE NO. 316-11

BE IT FURTHER RESOLVED, that TITLE V., FAMILY CODE, CHAPTER 7, CHILD SUPPORT ACT, Table of Contents Page V -viii, and Section 5-715[B], pages 57 and 58, of the Code of Justice of the Standing Rock Sioux Tribe is hereby repealed and replaced with the new TITLE V, CHAPTER 7, Table of Contents page V-viii, and Section 7-517[B], pages 57, 57a and 58 as attached and the same is hereby approved.

### ATTACHED PAGES

#### TABLE OF CONTENTS V-viii

TITLE V, CHAPTER 7, SECTION 7-517[B]  
Pages 57, 57a and 58

## RESOLUTION NO. 081-13

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV, Section 1 of the Amended Constitution of the Standing Rock Sioux Tribe, the foregoing Ordinance No. 316-11 TITLE V, FAMILY CODE, CHAPTER 7, CHILD SUPPORT ACT, Table of Contents page V-viii and Section 5-715[B], Income Withholding, be amended and the same is hereby approved: and

BE IT FURTHER RESOLVED, that the Chairman and 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

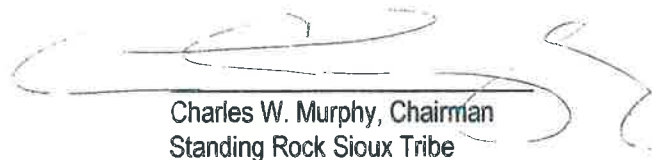
We, the undersigned Chairman and Secretary of the Tribal Council, hereby certify that the Tribal Council is composed of [17] members, of whom 15, constituting a quorum, were present at the meeting thereof, duly and regularly called, noticed, convened, and held on the 20<sup>th</sup> day of **FEBRUARY, 2013**, and that the foregoing resolution was duly adopted by the affirmative vote of 12 members, and 1 opposing, and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 20<sup>th</sup> DAY OF FEBRUARY, 2013.

ATTEST:



Adele M. White, Secretary  
Standing Rock Sioux Tribe



Charles W. Murphy, Chairman  
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date: 02-20-2013  
Motion No: 43

## ORDINANCE NO. 316-11

BE IT FURTHER RESOLVED, that TITLE V. FAMILY CODE, CHAPTER 7, STANDING ROCK SIOUX TRIBE CODE, CHILD SUPPORT ACT, of the Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby approved.

### ATTACHED PAGES

### TABLE OF CONTENTS V-I through VIII

### TITLE V. CHAPTER 7 45-70

## RESOLUTION NO. 567-11

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV, Section 1 of the Amended Constitution of the Standing Rock Sioux Tribe, the foregoing **ORDINANCE NO. 316-11**, **TITLE V. FAMILY CODE, CHAPTER 7, CHILD SUPPORT ACT**, be and the same is hereby approved; and

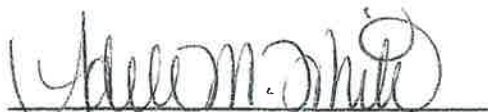
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

## CERTIFICATION

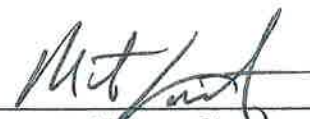
We, the undersigned, Chairman and Secretary of the Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 15 constituting a quorum, were present at a meeting, thereof, duly and regularly called, noticed, convened and held on the 26<sup>th</sup> day of **AUGUST, 2011**, and that the foregoing resolution was 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 26<sup>th</sup> DAY OF AUGUST, 2011.

ATTEST:



Adele M White, Secretary  
Standing Rock Sioux Tribe



Charles W. Murphy, Chairman  
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date 08-26-2011  
Motion No. 5

## ORDINANCE NO. 315-11

BE IT FURTHER RESOLVED, that TITLE V. FAMILY CODE, CHAPTER 6, STANDING ROCK SIOUX TRIBE CODE, UNIFORM PATERNITY ACT, of the Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby approved.

### ATTACHED PAGES

### TABLE OF CONTENTS

• V-i through Viii

### TITLE V. CHAPTER 6

30-44

## RESOLUTION NO. 566-11

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV, Section 1 of the Amended Constitution of the Standing Rock Sioux Tribe, the foregoing **ORDINANCE NO. 315-11**, **TITLE V. FAMILY CODE, CHAPTER 6, UNIFORM PATERNITY ACT**, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Chairman and 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 Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 15 constituting a quorum, were present at a meeting, thereof, duly and regularly called, noticed, convened and held on the 26<sup>th</sup> day of **AUGUST, 2011**, and that the foregoing resolution was 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 26<sup>th</sup> DAY OF AUGUST, 2011.

ATTEST:

Adele M White For

Adele M White, Secretary  
Standing Rock Sioux Tribe

Charles W. Murphy  
Charles W. Murphy, Chairman  
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

## TABLE OF CONTENTS

		<u>Page</u>
<b>TITLE V. FAMILY CODE</b>		<b>V-1</b>
<b>Chapter 1. Marriage</b>		<b>V-1</b>
<b>5-101.</b>	<b>Requirements</b>	<b>V-1</b>
<b>5-102.</b>	<b>Prohibited marriages</b>	<b>V-1</b>
<b>5-103.</b>	<b>Marriage of person having existing spouse</b>	<b>V-1</b>
<b>5-104.</b>	<b>Blood test</b>	<b>V-2</b>
<b>5-105.</b>	<b>Marriage license</b>	<b>V-2</b>
<b>5-106.</b>	<b>Marriage ceremony</b>	<b>V-3</b>
<b>5-107.</b>	<b>Jurisdiction</b>	<b>V-4</b>
<b>5-108.</b>	<b>Indian custom marriage</b>	<b>V-4</b>
<b>5-109.</b>	<b>Recognition of foreign marriages</b>	<b>V-5</b>
<b>Chapter 2. Annulment and Divorce</b>		<b>V-5</b>
<b>5-201.</b>	<b>Jurisdiction over annulment and divorce cases</b>	<b>V-5</b>
<b>5-202.</b>	<b>Annulment</b>	<b>V-5</b>
	<b>(a) Petition</b>	<b>V-5</b>
	<b>(b) Service of process</b>	<b>V-6</b>
	<b>(c) Response</b>	<b>V-7</b>
	<b>(d) Hearings and decree</b>	<b>V-7</b>
<b>5-203.</b>	<b>Divorce</b>	<b>V-8</b>
	<b>(a) Grounds</b>	<b>V-8</b>
	<b>(b) Petition</b>	<b>V-8</b>
	<b>(c) Service of process</b>	<b>V-9</b>
	<b>(d) Response</b>	<b>V-10</b>
	<b>(e) Hearing</b>	<b>V-10</b>
	<b>(f) Filing fees</b>	<b>V-11</b>
<b>Chapter 3. Child Custody, Division of Property, and Alimony</b>		<b>V-11</b>
<b>5-301.</b>	<b>Child custody</b>	<b>V-11</b>

5-302.	Division of property	V-12
5-303.	Alimony	V-12
5-304.	Jurisdiction	V-12
5-305.	Temporary alimony and custody awards	V-13
<b>Chapter 4.</b>	<b>Adoption</b>	<b>V-13</b>
5-401.	Purpose of adoption	V-13
5-402.	Definitions (for Sections 5-401 – 5-412)	V-13
	(a) Adult	V-13
	(b) Minor	V-13
	(c) Parent	V-13
5-403.	Who may file adoption petition	V-14
5-404.	Petition for adoption	V-14
5-405.	Required consents	V-15
5-406.	Withdrawal of consents	V-15
5-407.	Investigation report	V-16
5-408.	Hearing on adoption	V-16
5-409.	Report and final decree of adoption	V-17
5-410.	Adoption records	V-17
5-411.	Contents and adoption order	V-18
5-412.	Name and legal status of adopted minor	V-18
<b>Chapter 5.</b>	<b>Change of Names of Persons</b>	<b>V-18</b>
5-501.	Adult name changes	V-18
5-502.	Contents of the petition	V-19
5-503.	Minors	V-19
5-504.	Notice	V-20

<b>5-505.</b>	<b>Hearing</b>	<b>V-20</b>
<b>5-506.</b>	<b>Determination</b>	<b>V-20</b>
<b>5-507.</b>	<b>Records</b>	<b>V-21</b>
	<b>Form No. 1 – Application for Marriage License</b>	<b>V-22</b>
	<b>Form No. 2 – Certificate of Consent</b>	<b>V-25</b>
	<b>Form No. 3 – Affidavit of Physician</b>	<b>V-26</b>
	<b>Form No. 4 – Marriage License</b>	<b>V-28</b>
<b>Chapter 6.</b>	<b>Standing Rock Sioux Tribal Uniform Paternity Act</b>	<b>V-30</b>
<b>5-601.</b>	<b>Policy</b>	<b>V-30</b>
<b>5-602.</b>	<b>Purpose</b>	<b>V-30</b>
<b>5-603.</b>	<b>Definitions</b>	<b>V-30</b>
	<b>(1) Acknowledged father</b>	<b>V-30</b>
	<b>(2) Adjudicated father</b>	<b>V-30</b>
	<b>(3) Alleged father</b>	<b>V-30</b>
	<b>(4) Child</b>	<b>V-31</b>
	<b>(5) Determination of parentage</b>	<b>V-31</b>
	<b>(6) Genetic testing</b>	<b>V-31</b>
	<b>(7) Man</b>	<b>V-31</b>
	<b>(8) Parent and child relationship</b>	<b>V-31</b>
	<b>(9) Paternity index</b>	<b>V-31</b>
	<b>(10) Probability of paternity</b>	<b>V-31</b>
<b>5-604.</b>	<b>How Parent and Child Relationship is Established</b>	<b>V-31</b>
	<b>(A) Natural mother</b>	<b>V-31</b>
	<b>(B) Natural father</b>	<b>V-32</b>
	<b>(C) Proof of adoption</b>	<b>V-32</b>
<b>5-605.</b>	<b>Presumption of Paternity</b>	<b>V-32</b>
	<b>(A) Criteria to establish presumption of paternity</b>	<b>V-32</b>
	<b>(B) Rebuttal of presumption of paternity</b>	<b>V-33</b>
<b>5-606.</b>	<b>Voluntary Acknowledgement of Paternity</b>	<b>V-33</b>



	<b>(A) Full faith and credit applicable to a Voluntary Acknowledgement of Paternity</b>	<b>V-33</b>
	<b>(B) Challenges to a Voluntary Acknowledgement of Paternity</b>	<b>V-33</b>
<b>5-607.</b>	<b>Determination of Father and Child Relationship</b>	<b>V-34</b>
	<b>(A) Who may bring an action to determine existence of the father and child relationship</b>	<b>V-34</b>
	<b>(B) Who may bring an action to declare mother and child relationship</b>	<b>V-34</b>
	<b>(C) Who may bring an action to establish the non-existence of a father and child relationship</b>	<b>V-34</b>
<b>5-608.</b>	<b>Statute of Limitations and the Establishment of Paternity</b>	<b>V-35</b>
	<b>(A) Timeframe for parents and others to commence an action to establish a parent and child relationship</b>	<b>V-35</b>
	<b>(B) Timeframe for a child to commence an action to establish a parent and child relationship</b>	<b>V-35</b>
	<b>(C) Timeframe as it relates to inheritance or succession rights</b>	<b>V-35</b>
	<b>(D) Exemption from “Civil Actions” statute of limitations</b>	<b>V-36</b>
<b>5-609.</b>	<b>Joinder of Actions and Jurisdictional Issues</b>	<b>V-36</b>
	<b>(A) Joinder of action</b>	<b>V-36</b>
	<b>(B) Jurisdiction</b>	<b>V-36</b>
<b>5-610.</b>	<b>Default Judgment</b>	<b>V-36</b>
	<b>(A) Entry of default judgment</b>	<b>V-36</b>
	<b>(B) Exceptions to default judgment</b>	<b>V-36</b>
	<b>(C) Setting aside a default judgment</b>	<b>V-37</b>
<b>5-611.</b>	<b>Civil Action: Trial</b>	<b>V-37</b>
	<b>(A) Law governing paternity action</b>	<b>V-37</b>
	<b>(B) Definition of “Trial”</b>	<b>V-37</b>
	<b>(C) Burden of proof</b>	<b>V-37</b>
	<b>(D) Child may be a party to the action; representation required when child is a minor</b>	<b>V-37</b>
	<b>(E) Necessary parties to the action; notice requirements</b>	<b>V-37</b>
	<b>(F) Required information from the parties to the action</b>	<b>V-38</b>
	<b>(G) Inadmissibility of certain testimony</b>	<b>V-38</b>

	<b>(H) Admissibility of certain evidence offered by an alleged father</b>	<b>V-38</b>
	<b>(I) Competence and requirement of parties to testify: exceptions in cases of rape or incest</b>	<b>V-38</b>
<b>5-612.</b>	<b>Hearings and Records: Confidentiality</b>	<b>V-38</b>
<b>5-613.</b>	<b>Evidence Relating to Paternity</b>	<b>V-38</b>
	<b>(A) Evidence of sexual intercourse during possible period of conception</b>	<b>V-38</b>
	<b>(B) Expert's opinion concerning statistical probability of paternity</b>	<b>V-39</b>
	<b>(C) Genetic test results</b>	<b>V-39</b>
	<b>(D) Voluntary acknowledgment of paternity</b>	<b>V-39</b>
	<b>(E) All other evidence relevant to paternity</b>	<b>V-39</b>
<b>5-614.</b>	<b>Genetic Testing</b>	<b>V-39</b>
	<b>(A) Criteria for genetic testing order</b>	<b>V-39</b>
	<b>(B) Genetic testing must satisfy appropriate standard</b>	<b>V-39</b>
	<b>(C) Costs of genetic testing</b>	<b>V-40</b>
	<b>(D) Requests for additional genetic testing</b>	<b>V-40</b>
	<b>(E) Admissibility of genetic test results</b>	<b>V-40</b>
	<b>(F) Use of genetic testing in action to dis-establish paternity</b>	<b>V-40</b>
<b>5-615.</b>	<b>Evidence Relating to Costs of Pregnancy, Childbirth and Genetic Testing</b>	<b>V-40</b>
	<b>(A) Authentication</b>	<b>V-40</b>
	<b>(B) Prima facie evidence</b>	<b>V-41</b>
<b>5-616.</b>	<b>Temporary Support Pending Trial</b>	<b>V-41</b>
<b>5-617.</b>	<b>Judgment</b>	<b>V-41</b>
	<b>(A) Finality of judgment</b>	<b>V-41</b>
	<b>(B) Amendments to birth certificate</b>	<b>V-41</b>
	<b>(C) Terms of the judgment</b>	<b>V-41</b>
	<b>(D) Inclusion of social security numbers</b>	<b>V-42</b>
	<b>(E) Full faith and credit applicable where jurisdiction and due process standards have been met</b>	<b>V-42</b>
<b>5-618.</b>	<b>Records</b>	<b>V-42</b>

	(A) Where appropriate, state department of health, division of vital records to amend birth certificate	V-42
	(B) Amended birth certificate to reflect actual place and date of birth	V-42
	(C) Confidentiality of evidence and original birth certificate	V-42
5-619.	Right to Obtain Counsel	V-42
5-620.	Free Transcript on Appeal	V-42
5-621.	Court Costs	V-43
	(A) Non-Title IV-D Cases	V-43
	(B) Title IV-D Cases	V-43
5-622.	Enforcement of Judgment	V-43
	(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	V-43
	(B) SRST CSEA Distribution Unit to receive and disburse child support payments in Title IV-D and Non IV-D Cases	V-43
	(C) Contempt of court	V-43
5-623.	Severability	V-43
5-624.	Repeal and Replacement of Previously Enacted Paternity and Child Support Enforcement Provisions and Effective Date of Replacement Acts	V-44
5-625.	Applicable Law	V-44
<b>Chapter 7.</b>	<b>Standing Rock Sioux Tribal Code Child Support Act</b>	<b>V-45</b>
5-701.	Policy	V-45
5-702.	Purpose	V-45
5-703.	Definitions	V-45
	(1) Child	V-45
	(2) Child Support	V-45
	(3) Court	V-46
	(4) Court Order	V-46
	(5) Custodial Parent	V-46

	<b>(6) Foreign Judgment</b>	<b>V-46</b>
	<b>(7) Gross Income</b>	<b>V-46</b>
	<b>(8) Indians</b>	<b>V-46</b>
	<b>(9) Net Income</b>	<b>V-46</b>
	<b>(10) Non-cash Contributions</b>	<b>V-47</b>
	<b>(11) Noncustodial parent</b>	<b>V-47</b>
	<b>(12) Obligee</b>	<b>V-47</b>
	<b>(13) Obligor</b>	<b>V-47</b>
	<b>(14) Spousal support</b>	<b>V-47</b>
	<b>(15) Tribal IV-D Agency</b>	<b>V-47</b>
<b>5-704.</b>	<b>Creation of the Tribal Title IV-D Child Support Enforcement Agency</b>	<b>V-47</b>
	<b>(A) Purpose of authority</b>	<b>V-47</b>
	<b>(B) Location of the SRST CSEA</b>	<b>V-49</b>
<b>5-705.</b>	<b>Assignment of Child Support Rights and Application for Services</b>	<b>V-49</b>
	<b>(A) Assignment of child support rights and authorization to SRST CSEA where person is a recipient of Temporary Assistance to Needy Families (TANF)</b>	<b>V-49</b>
	<b>(B) Application for services by Non-TANF custodial parent or other person</b>	<b>V-49</b>
	<b>(C) Exceptions to refusal to assign child support rights</b>	<b>V-49</b>
<b>5-706.</b>	<b>Setting of Child Support Obligation</b>	<b>V-50</b>
<b>5-707.</b>	<b>Child Support Actions Against Minors</b>	<b>V-50</b>
<b>5-708.</b>	<b>Child Support Order to be Judgment</b>	<b>V-50</b>
<b>5-709.</b>	<b>Foreign Child Support Judgments</b>	<b>V-51</b>
	<b>(A) Recognition</b>	<b>V-51</b>
	<b>(B) Procedure</b>	<b>V-51</b>
	<b>(C) Modification</b>	<b>V-51</b>
	<b>(D) Registration</b>	<b>V-52</b>
	<b>(E) Enforcement</b>	<b>V-52</b>
<b>5-710.</b>	<b>Determination of Child Support Amount : General Instructions</b>	<b>V-52</b>
<b>5-711.</b>	<b>Determination of Child Support Amount : Split Custody</b>	<b>V-54</b>

<b>5-712.</b>	<b>Child Support Guidelines</b>	<b>V-54</b>
	<b>(A) Guidelines</b>	<b>V-54</b>
	<b>(B) Deviation</b>	<b>V-54</b>
	<b>(C) Other Income</b>	<b>V-55</b>
	<b>(D) Non-cash Support</b>	<b>V-55</b>
	<b>(E) Presumption</b>	<b>V-55</b>
	<b>(F) Review</b>	<b>V-56</b>
<b>5-713.</b>	<b>Child Support Agreements</b>	<b>V-56</b>
<b>5-714.</b>	<b>Modifications</b>	<b>V-56</b>
<b>5-715.</b>	<b>Civil Enforcement of Child Obligations</b>	<b>V-56</b>
	<b>(A) Purpose</b>	<b>V-56</b>
	<b>(B) Income withholding</b>	<b>V-57</b>
	<b>(C) Income withholding order</b>	<b>V-57a</b>
	<b>(D) Tribal &amp; foreign support orders</b>	<b>V-58</b>
	<b>(E) Collection of child support from other sources</b>	<b>V-59</b>
	<b>(F) Collection of support from parents of children in tribal foster care</b>	<b>V-60</b>
<b>5-716.</b>	<b>Contempt: Willful Failure to Pay Child Support</b>	<b>V-60</b>
	<b>(A) Willful failure to pay child support</b>	<b>V-61</b>
	<b>(B) What constitutes prima facie evidence of a contempt of court</b>	<b>V-61</b>
	<b>(C) Separate counts</b>	<b>V-61</b>
	<b>(D) Affirmative defense</b>	<b>V-61</b>
	<b>(E) Admissibility of certified copy of payment record</b>	<b>V-61</b>
	<b>(F) Limitation of actions</b>	<b>V-61</b>
	<b>(G) Punishment for willful failure to pay child support</b>	<b>V-61</b>
<b>5-717.</b>	<b>No Attorney Client Relationship Established When SRST CSEA Attorney Brings Action in Court to Establish or Enforce Child Support Obligations</b>	<b>V-62</b>
<b>5-718.</b>	<b>Employee or Contract Employee Special Provision</b>	<b>V-62</b>
<b>5-719.</b>	<b>Severability</b>	<b>V-62</b>
<b>5-720.</b>	<b>Applicable Law</b>	<b>V-62</b>
<b>5-721.</b>	<b>Child Support Guidelines Schedule</b>	<b>V-63</b>

## TITLE V. FAMILY CODE

## Chapter 1. Marriage

5-101. Requirements.

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

5-102. Prohibited marriages.

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

1. Parent and child;
2. Grandparent and grandchild;
3. Brother and sister, or half-brother and half-sister;
4. Aunt and nephew, or uncle and niece;
5. Cousins in the first, second or third degree.

Any attempted marriage between persons so related shall be null and void from the time of the 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, or foreign nation which granted it, and which complies with due process of law; (2) the death of the spouse; or (3) the

absence and believed death of the spouse for five years or more.

5-104. Blood test.

Persons wishing to be married must each undergo a blood test. The test shall be administered by a duly licensed physician and shall be a standard serological test or such other examination as may be necessary for the discovery of syphilis. The test shall be given not more than thirty days before the application for a marriage license.

5-105. Marriage license.

Persons wishing to be married must obtain a marriage license from the Standing Rock Sioux Tribal Court. To obtain a license, the persons must attest before the judge of the Tribal Court, or in an affidavit, (1) that they are at least 16 years of age, (2) that they freely consent to the marriage, (3) 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, of any person under 18 years of age shall also be presented to the judge), (4) that they are not related to each other in a manner prohibited by Section 5-102 of this Title and (5) that they have no existing spouse as defined in Section 5-103 of this Title. Where necessary, the judge may require the testimony or affidavit of any person necessary to substantiate such information.

Each applicant must also file with the Court a certificate signed by a duly licensed physician stating that the applicant has been given a blood test as provided in Section 5-104 of this Title,

and that in the opinion of physician the applicant is not infected with syphilis in communicable form.

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 and shall be in substantially the following form:

Standing Rock Sioux Marriage License

To any person authorized to perform the marriage ceremony:

You are hereby authorized to join in marriage \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of \_\_\_\_\_, within 30 days of the date specified below.

Dated this \_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Standing Rock Sioux Tribal Court Judge

The Court shall give one copy of the marriage license to the applicants and shall retain one 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 in substantially the following form:



Standing Rock Sioux Marriage Certificate

I hereby certify that \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_ of \_\_\_\_\_, having  
obtained a valid marriage license, appeared before me  
on the \_\_\_ day of \_\_\_\_\_, and were joined in  
marriage.

Signed:

\_\_\_\_\_

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

The marriage certificate shall be signed by two 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 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 six (6) months immediately preceding the application for a license.

5-108. Indian custom marriage.

Indian custom marriage and divorce among Indians on the Standing Rock Indian Reservation remains abolished.

5-109. 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 party to the marriage is an Indian, and at least one 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 one year immediately preceding the filing of the action. For purposes of this section the term "bona fide resident" shall include any person currently away from the Reservation to attend school or for military service who (1) resided on the Reservation for a period of one 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 or both of the parties may, within one year of the date of marriage, submit a petition of annulment to the Court, stating as grounds that (a) one or both parties was under 16 years of age at the time of the marriage; (b) one 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 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 can not 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 consecutive editions of a tribal or reservation newspaper of general circulation, or for at least once in each week for three 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 affidavit shall be accompanied by the return of a member of the Reservation police department certifying that after diligent inquiry for the purpose of serving the summons, he is unable to make personal service on the defendant. 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 an affidavit of the publisher or printer of the newspaper, or his foreman, clerk, or book-keeper, 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.
- (c) Response. If the non-petitioning spouse does not agree with the petition's allegations as to grounds for annulment or the division of property or custody of children proposed by the petition, the non-petitioning spouse may file with the Court a response within sixty (60) 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) Hearings and decree. Where such a response is received, the Court shall hold a hearing on the matter. If (1) after hearing, or (2) after 60 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 six months immediately preceding the filing of the petition. Divorces shall be granted without regard to the fault of the parties.
- (b) Petition. One 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 grounds for divorce and the facts and circumstances substantiating those grounds.

(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 can not 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 consecutive editions of a tribal or reservation newspaper of general circulation, or for at least once in each week for three 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 affidavit shall be accompanied by the return of a member of the reservation police department certifying that after diligent inquiry for the purpose of serving the summons, he is unable to make personal service on the defendant. 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 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 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 sixty (60) 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 at least six months after the date the petition is filed. The Court shall order a home study by an appropriate social worker or other professional, to be completed and submitted to the Court prior to the hearing. The home study shall detail the

problems between the spouses and may recommend appropriate remedies. Based on the home study, the Court may order the parties to participate in a prescribed course of treatment, such as marital counselling, to attempt to remedy problems between the parties.

- (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. A fee of \$10,000 shall be paid at the time any action for divorce under this Code is filed.

### Chapter 3. Child Custody, Division of Property, and Alimony

#### 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 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 that 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, on motion of either party, following an additional home study and hearing as provided in Section 5-203(e) of this Title.

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 distribution of property which causes any property or interest in property to be removed from trust status.

5-303. Alimony.

When an 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 purpose or in divorce proceedings.

5-305. Temporary alimony and custody awards.

The Court may issue temporary orders during the pendency of an annulment or divorce proceeding as to child custody or alimony. Such orders may be granted upon motion of either party, or on the Court's own motion. A hearing, for which advance notice shall be provided to the parties, shall be held prior to the issuance of such temporary orders, unless the Court determines that an emergency exists, or a party cannot be found, in which case such order may be issued ex parte.

## Chapter 4. Adoption

5-401. Purpose of adoption.

The purpose of this Part is to protect the rights and promote the welfare of Indian children, natural parents and adoptive parents.

5-402. Definitions (for Sections 5-401 - 5-412).

- (a) Adult - A person eighteen years of age or older.
- (b) Minor - A person less than eighteen years of age.
- (c) Parent - (1) a child's mother; (2) a father as to whom a child is legitimate; (3) a person adjudicated to be a child's father; (4) a natural father of an illegitimate child who shows reasonable interest, concern, and responsibility for the child during the first thirty (30) days of the child's life or prior to the mother's consent to have the child adopted.

5-403. Who may file adoption petition.

Any adult may file a petition to adopt an Indian minor residing within the Reservation. In the case of married persons maintaining a home together, the petition shall be the joint petition of husband and wife except that if one of the spouses is the natural parent of the child to be adopted, the natural parent shall not be required to join in the petition. In any case where all persons petitioning to adopt a child are not Indians, the petition shall not be granted unless:

- (a) no Indian is available who is willing to adopt the child;
  - (b) the petitioners agree in writing that the Standing Rock Sioux Tribal Court shall retain exclusive jurisdiction over custody of the child, wherever domiciled or resident; and
  - (c) the Standing Rock Sioux Tribal Council, meeting in executive session, by resolution approves the petition.
- The original resolution shall be filed with the Court.

5-404. Petition for adoption.

A petition for adoption shall be filed with the Court, on a form prescribed by the Court. It shall be verified under oath by the adoptive parent or parents, and shall contain (a) the full name, the residence, and the sex of the child, and documentary proof of the date and place of the birth of the child to be adopted; (b) the full name, the residence, date and place of birth, and occupation of the adoptive parent or parents and documentary proof of their marital status; (c) proof of all consents required under Section 5-405

of this Code, and any court order terminating the parent-child relationship between the natural parent and the child to be adopted; (d) an agreement by the adopting parents that it is their desire that the relationship of parent and child be established between them and the child; and (e) a full description and statement of value of all property owned or possessed by the child.

5-405. Required consents.

Written consents to the adoption of the child shall be required from:

- (a) the child's parents, provided that no consent shall be required as to any parent whose parent-child rights have been terminated by court order with respect to the child to be adopted;
- (b) any legal guardian of the child appointed under this Code;
- (c) the child, if twelve years of age or older, provided that the Court may waive this requirement, if it deems it necessary for the best interests of the child.

5-406. Withdrawal of consents.

No consent to adoption shall be withdrawn unless authorized by order of the Court, after notice and opportunity to be heard is given to the petitioner in the adoption proceedings, and to the person seeking to withdraw consent. The Court shall not grant permission to withdraw consent unless it finds that the best interests of the child will be served by such withdrawal. The entry of an order of adoption renders any consent irrevocable.

5-407. Investigation report.

Within five (5) days after the filing of a petition for adoption, the Court shall request a juvenile officer, social worker, or similar employee of the Bureau of Indian Affairs or the Tribe to inquire into, investigate, and report, in writing to the Court as to the suitability of the child for adoption, the financial ability, fitness, and general background of the adoptive home and of the adoptive parent or parents, and to make recommendations on the proposed adoption.

5-408. Hearing on adoption.

Within five (5) days after the written report required by Section 5-407 is filed, the Court shall fix a time for hearing on the petition for adoption. Notice of the hearing shall be provided to the adoptive parent or parents, any person whose consent is required, and, where possible, all interested persons whose consent is not required under Section 5-405. The adoptive parent or parents shall appear personally at the hearing. All other persons whose consents are necessary to the adoption shall appear personally, unless represented by a person having a power of attorney authorizing such person to represent them for the purpose of the adoption or unless such person can not be found. The judge shall separately examine all persons appearing and if satisfied as to the suitability of the child for adoption, the validity of the consents to adoption, the financial ability, fitness, and responsibility of the adoptive parents, and that the best interests of the child will be promoted by the adoption, may enter a final decree of adoption. In the case of a child who

has been in the custody of the petitioners and provided for by them for more than 1 year the decree shall be final. Where the child has not been in the custody of the petitioners for 1 year, the Court shall enter an interim decree, and place the child in the legal custody of the petitioners for a period of not less than 1 year prior to entering a final decree of adoption.

5-409. Report and final decree of adoption.

Where an interim decree is entered, the Court, after the child has been in the custody of the petitioner for 1 year, shall request a supplementary written report under the same procedures as in Section 5-407, as to the welfare of the child, and current conditions of the adoptive home and the adoptive parents. If the Court is satisfied the interests of the child are best served by the proposed adoption, a final decree of adoption may be entered. No final order shall be entered by the Court until the child to be adopted has lived and resided for a period of at least 1 year in the home of the adoptive parents. In any case where the Court finds that the best interests of the child will not be served by the adoption, a guardian shall be appointed and suitable arrangements for the care of the child shall be made and the Court may request the Bureau of Indian Affairs to provide such services to assist in the placement and the care of the child.

5-410. Adoption records.

All records, reports, proceedings, and orders in adoption cases are confidential records of the Court and shall not be available for

release to or inspection by the public. Such records, reports, proceedings and orders shall be made available to the Superintendent of the Standing Rock Agency for use in fulfilling authorized functions. For good cause shown, information contained in such records shall be released to the adopted persons after reaching legal majority, upon petition to the Court.

5-411. Contents of adoption order.

The final order of adoption shall include such facts as are necessary to establish that the child is eligible and suitable for adoption, and that the adoptive home and parents are adequate and capable for the proper care of the child, as shown by the investigation reports and the findings of the Court upon the evidence adduced at the hearings. A true and correct copy of each adoption order shall be filed with the Secretary of the Tribal Council of Standing Rock Sioux Tribe, and with the clerk of the Court.

5-412. Name and legal status of adopted minor.

Minors adopted by order of the Court shall assume the surname of the persons by whom they are adopted, unless the Court orders otherwise, and shall be entitled to the same rights of persons and as to property as natural children or heirs of the persons adopting them.

Chapter 5. Change of Names of Persons

5-501. Adult name changes.

Any member of the 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 the petition.

The name change petition shall state:

- (1) the petitioner's current name, address, and social security number or other form of identification;
- (2) 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 months prior to the filing of the petition;
- (3) the new name petitioner seeks;
- (4) the reason why petitioner seeks a name change;
- (5) a declaration that the change of name is not sought and will not be used to defraud creditors;
- (6) 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:

- (1) The relationship between petitioner and the minor whose name the petitioner seeks to have changed;



- (2) 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 once per week for four 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 changes 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 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.

STANDING ROCK SIOUX TRIBAL COURT  
APPLICATION FOR MARRIAGE LICENSE

In the matter of the Application of \_\_\_\_\_  
and \_\_\_\_\_ for a Marriage License.

The undersigned hereby apply for a marriage license for the  
marriage of \_\_\_\_\_,  
of \_\_\_\_\_; and \_\_\_\_\_  
of \_\_\_\_\_; and each being duly sworn  
represent and state that \_\_\_\_\_ and  
\_\_\_\_\_ both are at least 16 years  
of age, both consent freely to the marriage, are not related to  
each other in a manner prohibited by Section 5-102 of the  
Tribal Code, both do not have existing spouses as defined in  
Section 5-103 of the Tribal Code, and both are of sound mind  
and may lawfully contract and be joined in marriage. If either  
is under 18 years of age, he or she represents and states that  
their custodial parents or guardians consent to the marriage.  
Each swears to the truth of the answers to the following  
questions:

Question: Have either one or both applicants resided on the  
Standing Rock Sioux Reservation for the last 6  
months or more?

Answer: \_\_\_\_\_

Question: If so, who and for how long?

Answer: Name \_\_\_\_\_, \_\_\_\_\_ years  
Name \_\_\_\_\_, \_\_\_\_\_ years

Question: State the date of birth of each applicant?

Answer: Name \_\_\_\_\_, Date of birth \_\_\_\_\_

Name \_\_\_\_\_, Date of birth \_\_\_\_\_

(Note: If either applicant is under 18 years of age, consent forms must be attached)

Question: Are parties for whom this application is made in any way related? If so, in what degree?

Answer: \_\_\_\_\_

Question: Has either of said persons ever been married?

Answer: \_\_\_\_\_

Question: If so, how was the marriage terminated?

Answer: \_\_\_\_\_

Question: If annulled or dissolved by a decree of court, when and in what court?. (Attach a certified copy of the decree or decrees)

Answer: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ AND \_\_\_\_\_

each being duly sworn, deposes and says that he and she are acquainted with the contents of the above application for

Marriage License subscribed to by \_\_\_\_\_

and \_\_\_\_\_, and that the statements

contained is the said application, and the answers given to the questions therein, are true.

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge of the Tribal Court in and  
for Standing Rock Sioux Tribe,  
Fort Yates, North Dakota

## CERTIFICATE OF CONSENT OF PARENTS OR GUARDIANS TO MARRY

(For applicants under 18 years of age

both parents or all legal guardians must consent)

I, (we), the undersigned, being first duly sworn, do hereby certify that I am (We are) the \_\_\_\_\_ of \_\_\_\_\_, one of the persons mentioned in the above and foregoing application to marry, who is under 18 years of age; and I (we) do hereby consent to the granting of said license to marry and to the marriage of my (our) said \_\_\_\_\_ to the said \_\_\_\_\_, who is the other person mentioned in said application.

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
 Judge of the Tribal Court in and  
 for Standing Rock Sioux Tribe,  
 Fort Yates, North Dakota

(OFFICIAL SEAL)

STANDING ROCK SIOUX TRIBAL COURT

IN THE MATTER OF THE APPLICATION OF \_\_\_\_\_  
FOR A LICENSE TO MARRY \_\_\_\_\_

AFFIDAVIT OF PHYSICIAN

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn,  
does depose and say that he is a physician residing and  
practicing as such in the city of \_\_\_\_\_  
in the county of \_\_\_\_\_ and the State of  
\_\_\_\_\_, that he now is, and for more  
than \_\_\_\_\_ years last past has been duly admitted and  
licensed under the laws of the said state of \_\_\_\_\_  
to practice as a physician in said state; that on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, he administered a standard

serological test to the above named \_\_\_\_\_  
and \_\_\_\_\_ and that neither of said persons  
is afflicted with syphilis or any other contagious venereal  
disease.

Subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Physician

My commission expires

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

County of \_\_\_\_\_

State of \_\_\_\_\_



STANDING ROCK SIOUX TRIBAL COURT  
MARRIAGE LICENSE

TO ANY PERSON AUTHORIZED BY THE STANDING ROCK SIOUX TRIBE TO  
PERFORM THE MARRIAGE CEREMONY, GREETING:

You are hereby authorized to join in marriage \_\_\_\_\_  
of \_\_\_\_\_, and \_\_\_\_\_ of  
\_\_\_\_\_ within 30 days of the date  
specified below. You will please make due return of a  
certificate of marriage to Standing Rock Sioux Tribal Court  
within five days after the date of solemnization of the  
marriage.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Tribal Judge

CERTIFICATE OF MARRIAGE

I hereby certify that \_\_\_\_\_ of  
 \_\_\_\_\_ and \_\_\_\_\_ of  
 \_\_\_\_\_ having obtained a valid marriage  
 license, appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
 and were joined in marriage.

IN THE PRESENCE OF ) \_\_\_\_\_  
 \_\_\_\_\_ ) \_\_\_\_\_  
 \_\_\_\_\_ ) OFFICIAL TITLE-ECCLESIASTICAL BODY  
 WITNESSES. \_\_\_\_\_  
 ADDRESS

## **Title V. Family Code**

### **Chapter 6**

#### **STANDING ROCK SIOUX TRIBAL 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 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.**

1. "Acknowledged father" means a man who has established a father-child Relationship.
2. "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.
3. "Alleged father" means 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:
  - a. A presumed father (See § 5-605A below);
  - b. A man whose parental rights have been terminated or declared not to exist; or
  - c. A male donor.

4. "Child" means an individual of any age who seeks to establish a parent-child relationship under this Chapter.
5. "Determination of parentage" means 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.
6. "Genetic testing" means 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).
7. "Man" means a male individual of any age.
8. "Parent and Child Relationship" means the legal relationship existing between a child and his 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.
9. "Paternity index" means the likelihood of paternity calculated by computing the ratio between:
  - a. 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
  - b. 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.
10. "Probability of paternity" means 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 or 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, Titles V, Chapter 4 and 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 law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:
  - a. The assertion is in a record filed with the Tribal Court, the SRST Child Support Enforcement Agency (SRST CSEA) or the State Department of Health;
  - b. He agreed to be and is named as the child's father on the child's birth certificate; or
  - c. He promised in an official record to support the child as his own.
5. For the first two 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 or more presumptions which conflict with each other, the presumption which on the facts is founded on 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.
4. The presumption also is rebutted by a Court decree dis-establishing paternity as provided in Section 5-614(F) below.

**5-606. Voluntary Acknowledgement of Paternity.**

**A. Full Faith and Credit Applicable to a Voluntary Acknowledgement of Paternity.**

The Court shall give full faith and credit to a signed and notarized Voluntary Acknowledgement of Paternity Affidavit signed in any Tribal, Territory, or State jurisdiction which contains the social security numbers, the signatures of both parents, and is dated and notarized by a Clerk of Court or Notary Public, with the appropriate seal.

**B. Challenges to a Voluntary Acknowledgement of Paternity.**

An individual who has signed a Voluntary Acknowledgment of Paternity Affidavit may rescind the Acknowledgment if done:

1. In writing, within 60 days of signing; or
2. Before the date of administrative or judicial proceedings relating to the child (including a proceeding to establish a support order) in which the individual who has signed is a party; or
3. After the 60-day period referred to in this section has passed, a signed and notarized Voluntary Acknowledgment of Paternity Affidavit may be challenged in court only on the basis of fraud, duress or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any individual's Acknowledgment may not be suspended during the challenge, except for good cause shown.

**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 forth 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 tests 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 has 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 or 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 interests of the child to establish paternity.
4. Establishment of paternity has no effect on Tribal enrollment or membership. Proceedings to establish paternity for Tribal enrollment or membership purposes also may be commenced 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 heir ship rights.



**D. Exemption from “Civil Actions” Statute of Limitations.**

This Chapter is exempt from the Tribe’s two year statute of limitations for civil actions pursuant to the Tribe’s SRST Code of Justice, Civil Procedure, Chapter 2-501.

**5-609. Joinder of Actions 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 resides 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. Exceptions 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 a 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 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 of 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 the 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. Hearings 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 initially 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 costs 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 a condition precedent to admissibility is not required of billings by service providers for services relating to pregnancy, childbirth, and genetic testing except that:
  - a. 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 or 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 the 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 the Judgment.**

The judgment of paternity may contain any other provision 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 7 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, or 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 Acknowledgment 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 consent of the Court.

**5-619. Right to Obtain Counsel.**

In the absence 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 a 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 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 enforced in the same or other proceedings by the SRST CSEA, the mother, 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 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-IV-D cases. Non IV-D cases will not be enforced by the SRST CSEA absent an application for IV-D services to the 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.**

From 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, Sections 6-601 through 5-625, inclusive and Title V, Family Code, Chapter 7, Standing Rock Sioux Tribal Child Support Act, Sections 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 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.

## **Title V. Family Code**

### **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 matter related to the SRST CSEA.

##### **5-703. Definitions.**

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

1. "Child" means 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" means 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 or 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 a 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" means The Standing Rock Sioux Tribal Court.
4. "Court Order" means any order for support established by a court of competent jurisdiction.
5. "Custodial Parent" (CP) means 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 Judgement" means 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" means 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" means 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" means total gross income less:
  - a. 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%).
  - b. 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 no state income tax obligation owed by the Obligor;
  - c. Premium payments for health insurance policies intended to afford coverage for the child or children for whom support is being sought;

- d. Court ordered child support payments for other children of the Obligor;  
and
  - e. Medical court ordered health insurance payments for other children of the Obligor;
10. "Non-cash Contributions" means 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 provide 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) means 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" means the person to who a duty of support is owed.
  13. "Obligor" means the person who owes the duty of support.
  14. "Spousal Support" means Court ordered support of an ex-spouse. Also referred to as maintenance or alimony.
  15. "Tribal IV-D Agency" means 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 child support enforcement program in compliance with this 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 but 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 noncustodial 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 judgements 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 form a State through a cooperative agreement or directly from the Federal government; and

**B. 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 receives 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 authorize 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 from 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 in the collection of support may be subject to a sanction of exclusion from 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. Exceptions 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 such 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 legal proceedings for adoption are pending in 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 noncustodial 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 noncustodial parent to the custodial parent using the standards as set forth 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 years to determine if more or less support is warranted under the Tribe's established Guideline (See Sections 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 from the Obligor's pay check. 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 may be set at a lower amount.

**5-707. Child Support Actions Against Minors.**

And 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 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 to be Judgement.**

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 (45 CFR §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."

**5-709. 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.

All forms presented to the employer for income withholding must be in the form prescribed by the Code of Federal Regulations (See 45 C.F.R. §§309.65(a)(11) and 309.110).

**C. Modification.**

A court may modify foreign order 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 of the court order and the Obligor is 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 that 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 support obligation are to consider and assume that one 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 noncustodial parent to support other children either in his or her care or children he or she is paying support for by 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 the divided by twelve 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 provided 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 the 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 also shall set the matter for a modification hearing when it is verified that the Obligor either is unemployed, underemployed or is employed;
8. Where it is determined by the Court that the noncustodial parent is voluntarily unemployed or underemployed, the Court shall compute the amount of support based upon the potential 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 of 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 that net income was determined.
11. The Court cannot retroactively modify child support obligations or arrearages (See Title 5-714).
12. The date of filing shall control when filing a petition for establishment of child support.

**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 noncustodial 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 health care needs either through assuring Indian Health Service coverage (IHS) 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 based upon factors such as:

1. The amount of visitation exercised by the noncustodial parent, including provisions for suspension of support when the noncustodial 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 noncustodial parent;
4. Income contributed to the noncustodial parent by 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 noncustodial parent;
7. The age of the child;
8. The ability of the noncustodial parent to obtain employment due to his or her mental or physical incapability;
9. Consideration of the economic condition of the noncustodial parent and his or her ability or inability to obtain gainful employment with the Reservation; and
10. 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 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 that 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 in 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 may 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 an 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 interests 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 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 noncustodial 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 noncustodial 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 as payee for the custodial parent. In accordance with this Chapter, 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 noncustodial parent is not delinquent in paying his support, except where:

1. The custodial and noncustodial 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 noncustodial 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 noncustodial parent shall become subject to withholding, at the earliest, on the date on which the payments which the noncustodial parent has failed to make under a Tribal support order are at least equal to the support payable for one 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 owed or in the identity of the alleged Non-Custodial Parent/Obligor. A Mistake of Fact issue may be contested by the Non-Custodial/Obligor in accordance with Tribal 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 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 discharging 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 noncustodial parent's employer notice by using the standard "Federal Income Withholding Order for Support" and "Income Withholding Order-Instructions" (OMB 0970-0154).

OMB Form 0970-0154 sets forth the following:

1. Identifies the Employee/Obligor's name, and social security number (if known);
2. Identifies the Custodial Party/Obligee'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 dollar 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 and 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 from the Court;
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 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 noncustodial parent's income.

**D. Tribal & Foreign Support Orders.**

If the employer of the noncustodial 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 entities are not required to process any wage withholding order from a foreign 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 noncustodial parent shall not be deemed to be a 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 noncustodial 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 applicable), in the amount identified by the Court as the appropriate arrearage. Notice of the proposed tax intercept must first be sent to the noncustodial 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 specifically 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 any non-paying Obligor's who maintain a financial institution account, including a request that the State agency impose liens or levies upon accounts held 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 non, 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 Interior, Bureau of Indian Affairs (BIA). This section also shall apply when a judgement has been entered by another jurisdiction and the foreign judgement has been recognized by this Court.

To initiate the lien process, the SRST CSEA shall send the noncustodial 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 Obligors 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 that 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 Counts.**

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 accrued, such as to effectively preclude the Respondent's employment at any gainful occupation. This defense is only available if the Respondent lacked the means to pay the ordered amounts other than from 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. Limitation of Actions.**

The period of limitations for commencing a contempt action for willful failure to pay child or spousal support is three (3) years from the date the payment was due.

**G. 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 Actions 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 the 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 on 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</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
\$1,950	\$332	\$527	\$644	\$702	\$761	\$819

<b>Monthly Net Income</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>
\$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	\$425	\$675	\$825	\$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	\$1,113
\$2,700	\$459	\$729	\$891	\$972	\$1,053	\$1,134
\$2,750	\$468	\$743	\$908	\$990	\$1,073	\$1,155
\$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	\$1,617
\$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</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	\$1,599	\$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	\$893	\$1,418	\$1,733	\$1,890	\$2,048	\$2,205
\$5,300	\$901	\$1,431	\$1,749	\$1,908	\$2,067	\$2,226
\$5,350	\$910	\$1,445	\$1,766	\$1,926	\$2,087	\$2,247
\$5,400	\$918	\$1,458	\$1,782	\$1,944	\$2,106	\$2,268
\$5,450	\$927	\$1,472	\$1,799	\$1,962	\$2,126	\$2,289
\$5,500	\$935	\$1,485	\$1,815	\$1,980	\$2,145	\$2,310
\$5,550	\$944	\$1,499	\$1,832	\$1,998	\$2,165	\$2,331
\$5,600	\$952	\$1,512	\$1,848	\$2,016	\$2,184	\$2,352
\$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

<b>Monthly Net Income</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>
\$6,000	\$1,020	\$1,620	\$1,980	\$2,160	\$2,340	\$2,520
\$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	\$1,114	\$1,769	\$2,162	\$2,358	\$2,555	\$2,751
\$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	\$1,173	\$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	\$3,024
\$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	\$1,326	\$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	\$2,607	\$2,844	\$3,081	\$3,318
\$7,950	\$1,352	\$2,147	\$2,624	\$2,862	\$3,101	\$3,339



<b>Monthly Net Income</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>
\$8,000	\$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
\$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	\$3,423
\$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	\$1,471	\$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

<b>Monthly Net Income</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>
\$10,000	\$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
\$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	\$1,785	\$2,835	\$3,465	\$3,780	\$4,095	\$4,410
\$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	\$4,329	\$4,662
\$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

<b>Monthly Net Income</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>
\$12,000	\$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
\$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	\$2,287	\$3,632	\$4,439	\$4,842	\$5,246	\$5,649
\$13,500	\$2,295	\$3,645	\$4,455	\$4,860	\$5,265	\$5,670
\$13,550	\$2,304	\$3,659	\$4,472	\$4,878	\$5,285	\$5,691
\$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

<b>Monthly Net Income</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>
\$14,000	\$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
\$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	\$2,491	\$3,956	\$4,835	\$5,274	\$5,714	\$6,153
\$14,700	\$2,499	\$3,969	\$4,851	\$5,292	\$5,733	\$6,174
\$14,750	\$2,508	\$3,983	\$4,868	\$5,310	\$5,753	\$6,195
\$14,800	\$2,516	\$3,996	\$4,884	\$5,328	\$5,772	\$6,216
\$14,850	\$2,525	\$4,010	\$4,901	\$5,346	\$5,792	\$6,237
\$14,900	\$2,533	\$4,023	\$4,917	\$5,364	\$5,811	\$6,258
\$14,950	\$2,542	\$4,037	\$4,934	\$5,382	\$5,831	\$6,279
\$15,000	\$2,550	\$4,050	\$4,950	\$5,400	\$5,850	\$6,300