

An Act

Legislative Act 11-07

A LEGISLATIVE ACT AMENDING TITLE 20 OF THE CHEROKEE NATION CODE ANNOTATED – COURTS AND PROCEDURE; AMENDING SECTION 24: JURISDICTION – GENERAL

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This act shall be codified as Title 20, Section 24 of the Cherokee Nation Code Annotated.

SECTION 2. PURPOSE

The purpose of this legislative act is to define the Cherokee Nation District Court's jurisdiction over child support enforcement and to make technical changes to the language which currently exists in Section 24.

SECTION 3. LEGISLATIVE HISTORY

Source. LA 11-90, §13, effective December 13, 1990.

SECTION 4. SUBSTANTIVE PROVISIONS OF LAW

§ 24. Jurisdiction—General

The District Court of the Cherokee Nation shall have general jurisdiction and is vested with original jurisdiction, not otherwise reserved to the Supreme Court, to hear and resolve disputes arising under the laws or Constitution of the Cherokee Nation in both law and equity, whether criminal or civil in nature. Such actions shall include, but are not limited to, the following over:

- A. Crimes. All violations of the Criminal Code of the Cherokee Nation committed within its territorial jurisdiction within the following categories:
 - 1. Offenses committed by Indians, as defined by federal law, against all others, Indian and non-Indian; and
 - 2. Offenses committed by Indians, as defined by federal law, which are victimless.

- B. Civil causes of action. All causes of action which arise within the territorial jurisdiction of the Cherokee Nation within the following categories:
 - 1. Between all parties, Indian and non-Indian, who by their actions have submitted themselves to the jurisdiction of said Court; and
 - 2. Where the defendant is Indian, as defined by federal law.

- C. Domestic relations. All cases involving the domestic relations of Indians, ~~as provided~~ including child custody and adoption matters.

- D. Child support enforcement.
 - 1. All child support cases arising in Cherokee Nation Indian country regardless of whether the parties are Indian or non-Indian.
 - 2. All child support cases arising on fee land within the jurisdictional boundaries of the Cherokee Nation if the child in question is an enrolled citizen of the Cherokee Nation except that the petitioning party may request that the matter be heard in state district court.
 - 3. At the request of the custodial parent or entity, all child support cases arising on fee land outside the jurisdictional boundaries of the Cherokee Nation where the noncustodial parent is a citizen of the Cherokee Nation.

4. All child support cases presented to the Cherokee Nation by the IV-D agencies of other states or tribes if the Cherokee Nation District Court has personal jurisdiction over the noncustodial parent or the employer of the noncustodial parent.

~~D.~~ E. Miscellaneous. All other matters over which jurisdiction has heretofore vested in the Cherokee Nation District Court or which may hereafter be placed within the jurisdiction of said Court by ~~resolution~~ enactment of the Council.

SECTION 6. PROVISIONS AS CUMULATIVE

The provisions of this act shall be cumulative to existing law.

SECTION 7. SEVERABILITY

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

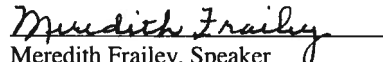
SECTION 8. EFFECTIVE DATE

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.


SECTION 9. SELF-HELP CONTRIBUTIONS

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

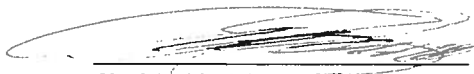
Enacted by the Council of the Cherokee Nation on the 12th day of February, 2007.


Meredith Frailey, Speaker
Council of the Cherokee Nation

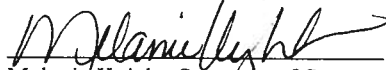
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of February, 2007.


Chad Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

| | | | |
|------------------------|------------|------------------------|---------------|
| Audra Smoke-Conner | <u>Yea</u> | Melvina Shotpouch | <u>Yea</u> |
| Bill John Baker | <u>Yea</u> | Meredith A. Frailey | <u>Absent</u> |
| Joe Crittenden | <u>Yea</u> | John F. Keener | <u>Yea</u> |
| Jackie Bob Martin | <u>Yea</u> | Cara Cowan Watts | <u>Yea</u> |
| Phyllis Yargee | <u>Yea</u> | Buel Anglen | <u>Yea</u> |
| David W. Thornton, Sr. | <u>Yea</u> | William G. Johnson | <u>Yea</u> |
| Don Garvin | <u>Yea</u> | Charles "Chuck" Hoskin | <u>Yea</u> |
| Linda Hughes-O'Leary | <u>Yea</u> | Jack D. Baker | <u>Yea</u> |
| Taylor Keen | <u>Yea</u> | | |

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

A Legislative Act Amending Title 20 of the Cherokee Nation Code Annotated - Courts and Procedure; Amending Section 24 - Jurisdiction - General

TITLE: Jurisdiction - General

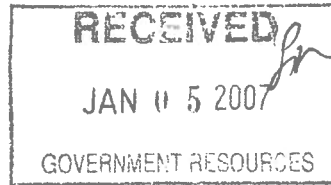
DEPARTMENT CONTACT: Richard D. Osburn

RESOLUTION PRESENTER: Richard D. Osburn

COUNCIL SPONSOR: Cara Cowan Watts

NARRATIVE:

PURPOSE: The purpose of this legislative act is to define the Cherokee Nation District Court's jurisdiction over child support enforcement and to make technical changes to the language which currently exists in Section 24.



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| <u>ADMINISTRATIVE CLEARANCE</u> | |
| Program/Project Manager: | |
| Signature/Initial | Date |
| Department Director: | |
| Signature/Initial | Date |
| Group Lead: | |
| <i>1-5-7</i> | |
| <i>[Signature]</i> | |
| Signature/Initial | Date |
| Controller: (if needed) | |
| Signature/Initial | Date |
| Government Resources: | |
| <i>[Signature]</i> <i>1/9/07</i> | |
| Signature/Initial | Date |
| Administration Approval: | |
| <i>[Signature]</i> <i>1/12/07</i> | |
| Signature/Initial | Date |
| <u>LEGISLATIVE CLEARANCE:</u> | |
| Legislative Aide: | |
| <i>[Signature]</i> <i>1/12/07</i> | |
| Signature/Initial | Date |
| Standing Committee & Date: | |
| <i>[Signature]</i> <i>1/25/07</i> | |
| Chairperson: | |
| <i>[Signature]</i> | |
| Signature/Initial | Date |
| Returned to Presenter: | |
| Date | |