

## An Act

### Legislative Act 32-06

#### A LEGISLATIVE ACT AMENDING TITLE 43 OF THE CHEROKEE NATION CODE ANNOTATED – CHILD SUPPORT; AMENDING SECTIONS 503, 511, AND 514

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### SECTION 1. TITLE AND CODIFICATION

This act shall amend the "Child Support Enforcement Act of 2005" and codified as Title 43, Sections 500 *et seq.*, amending Subsection 503(B), adding Subsection 511(C), and amending Subsection 514.

#### SECTION 2. PURPOSE

The purpose of this legislative act is to amend Section 503 to define when the Office of Child Support Enforcement is required to modify a support order; add Subsection 511(C) to allow the Office of Child Support Enforcement to negotiate a lump sum settlement of an arrearage; and amend Section 514 to authorize the District Court to deviate from the support guidelines, either up or down, if it is in the best interest of the child(ren).

#### SECTION 3. LEGISLATIVE HISTORY

LA 12-05 March 21, 2005

#### SECTION 4. SUBSTANTIVE PROVISIONS OF LAW

43 CNCA §503(B)

B. The Office may petition the district court to modify any order for support regardless of whether there has been a change of circumstances. The Office of Child Support Enforcement shall be required to petition to modify an order of support, on request of the payor or payee, if the income of either party increases or decreases by 15% or more or if the combined incomes of the parties increase or decrease such that the difference in the combined monthly incomes of the parties is 15% more or less than the combined monthly income in the most recent support order.

43 CNCA 511(C)

The Office of Child Support Enforcement shall have the authority to negotiate a lump sum payment to settle a child support arrearage and interest due thereon. Consent of the payee and approval of the district court shall be required.

43 CNCA §514

In determining the amount of child support to be awarded in divorce, separate maintenance and paternity determinations the district court shall follow the Oklahoma Child Support Guidelines. The district court shall have the authority to deviate from the guidelines, up or down, if the court finds that doing so is in the best interest of the child. The standard of proof shall be preponderance of the evidence.

#### SECTION 5. PROVISIONS AS CUMULATIVE

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

**SECTION 6. 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.

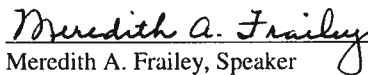
**SECTION 7. EFFECTIVE DATE**

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


**SECTION 8. 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.

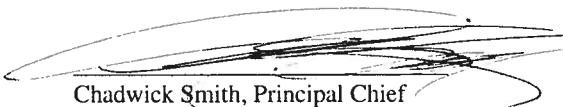
Enacted by the Council of the Cherokee Nation on the 13<sup>th</sup> day of November, 2006.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

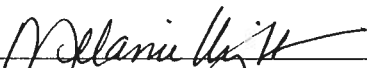
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 20<sup>th</sup> day of NOVEMBER, 2006.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

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

# Cherokee Nation Act/Resolution Proposal Form

**ADMINISTRATIVE CLEARANCE:**

**Program/Project Manager:**

\_\_\_\_\_  
Signature Date

**Department Director:**

\_\_\_\_\_  
Signature Date

**Group Leader:**

*[Signature]*  
Signature Date

**Finance Approval (if needed):**

\_\_\_\_\_  
Signature Date

**Government Resources Group:**

*[Signature]* *10/13/06*  
Signature Date

**Administration Approval:**

*[Signature]* *10/19/06*  
Signature Date

Act

Resolution

**TITLE:** A Legislative Act Amending Title 43 of the Cherokee Nation Code Annotated – Child Support; Amending Section 503, 511, and 514

**Department Contact:** Diane Hammons/Richard Osburn

**Resolution Presenter:** Diane Hammons

**Council Sponsor:** Cara Cowan Watts

**NARRATIVE:**  
*(See Attached Outline for Information Needed)*

The purpose of this legislative act is to amend Section 503 to define when the Office of Child Support Enforcement is required to modify a support order; add Subsection 511(C) to allow the Office of Child Support Enforcement to negotiate a lump sum settlement of an arrearage; and amend Section 514 to authorize the District Court to deviate from the support guidelines, either up or down, if it is in the best interest of the child(ren).

**LEGISLATIVE CLEARANCE**

**Legislative Aide:**

*[Signature]* *10/16/06*  
Signature/Initial Date

**Standing Committee:**

*[Signature]*

10/26/06  
Next Meeting Date

**Chairperson:**

*[Signature]*  
Signature/Initial Date

**Returned to Presenter:** \_\_\_\_\_  
Date

**RECEIVED**  
*[Signature]*  
 OCT 12 2006  
 GOVERNMENT RESOURCES