

An Act

Legislative Act 20-07

A LEGISLATIVE ACT AMENDING TITLE 10 OF THE CHEROKEE NATION CODE ANNOTATED – PATERNITY; REPEALING SECTION 111; AMENDING SECTION 110; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This act shall amend Title 10, Section 111 by repealing said section, and shall amend Section 110.

SECTION 2. PURPOSE

The purpose of this legislative act is to repeal Section 111 and amend Section 110(C)(1) of Title 10 of the Cherokee Nation Code Annotated to comply with Federal requirements for receiving a child support enforcement grant from the Administration for Children and Families.

SECTION 3. LEGISLATIVE HISTORY

LA 11-05 March 21, 2005; LA 30-06 November 20, 2006

SECTION 4. SUBSTANTIVE PROVISIONS OF LAW

10 CNCA §110(C)(1)

1. An individual who has been legally determined to be the father of a child pursuant to Section 104 of this title, or an individual who has been judicially or administratively determined to be the father of a child shall be ordered to pay all or a portion of ~~the costs of the birth and~~ the reasonable expenses of providing for the child provided that liability for support provided before the determination of paternity shall be imposed for five (5) years preceding the filing of the action. The amount to be paid by the father shall be determined by applying the child support guidelines for establishing current support and applying the amount of the reasonable expenses against the percentage derived from the guidelines. No interest shall be applied to this amount retroactively. Provided, no birthing costs shall be assessed to the father if birthing services were provided by Indian Health Services unless Federal law or regulations provide otherwise.

§ 111 Father's Liability for Expenses of Mother.

~~The father of a child born out of wedlock is liable for the reasonable expenses of the mother during the period of her pregnancy, confinement and recovery, whether or not the child is born alive. This liability may only be enforced within three (3) years after the birth of the child and, where the child is born alive, it must be enforced in an action for the support of the child.~~

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.

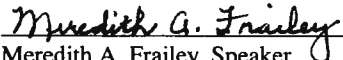
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

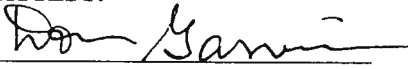
SECTION 8. SELF-HELP CONTRIBUTIONS

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.

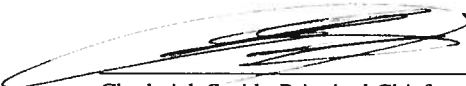
Enacted by the Council of the Cherokee Nation on the 16th day of April, 2007.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

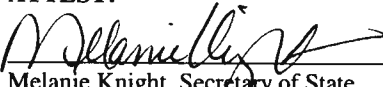
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of April, 2007.


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>Absent</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>		

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:

Signature _____ Date _____

Department Director:

Signature _____ Date _____

Group Leader:

A. Diane Hammons

Signature _____ Date _____

Finance Approval (if needed):

Signature _____ Date _____

Government Resources Group:

Signature _____ Date _____

Administration Approval:

Melanie Knight 3/28/07

Signature _____ Date _____

Cherokee Nation Act/Resolution Proposal Form

Act

Resolution

TITLE: A Legislative Act Amending Title 10 of the Cherokee Nation Code Annotated – Paternity; Repealing Section 111; Amending Section 110; and Declaring an Emergency

Department Contact: Richard Osburn

Resolution Presenter: A. Diane Hammons

Council Sponsor: Meredith Frailey

NARRATIVE:
(See Attached Outline for Information Needed)

The purpose of this legislative act is to repeal Section 111 and amend Section 110 of Title 10 of the Cherokee Nation Code Annotated to comply with Federal requirements for receiving a child support enforcement grant from the Administration for Children and Families.

LEGISLATIVE CLEARANCE

Legislative Aide:

Brittani Spota 3/28/07

Signature/Initial _____ Date _____

Standing Committee:

Rules

3/30/07

Next Meeting Date

Chairperson:

Frailey

Signature/Initial _____ Date _____

Returned to Presenter: _____

Date