

# An Act

## **Legislative Act 03-11**

### **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(D).

#### **Section 3. Legislative History**

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

Amended. LA 11-07, §4, effective March 21, 2007.

#### **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:

- 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, 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 or is eligible for enrollment as a 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 ~~of~~ or the employer of the noncustodial parent.
- 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 enactment of the Council.

**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.

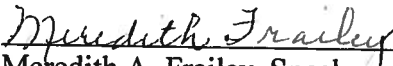
**Section 7. Effective Date**

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 14<sup>th</sup> day of February, 2011.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

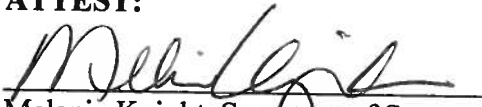
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 16<sup>th</sup> day of February, 2011.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |

**ADMINISTRATIVE  
CLEARANCE**

**Human Services  
Dept/Program:**

*Kara Whitworth* 1/7/11  
Signature/Initial Date

**Group Leader:**

*Norma Merriman* 1/7/11  
Signature/Initial Date

**Finance (if needed):**

Signature/Initial Date

**Government Resources:**

*W. P. Frailey* 1/11/12  
Signature/Initial Date

**Administration Approval:**

Signature/Initial Date

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

*Brittani* 1/11/11  
Signature/Initial Date

**Standing Committee & Date:**

*Hules* 1/27/11

**Chairperson:**

*Frailey*  
Signature/Initial Date

**Returned to Presenter:**

Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act       Resolution

A Legislative Act Amending Title 20 of Cherokee Nation Code  
Annotated – Court and Procedure; Amending Section 24: Jurisdiction -  
General

**TITLE:**

**DEPARTMENT CONTACT:** Kara Whitworth

**RESOLUTION PRESENTER:** Norma Merriman/Kara Whitworth

**COUNCIL SPONSOR:** Meredith Frailey

**NARRATIVE:**

The Cherokee Nation Office of Child Support Services has been in operation for less than 4 years and has brought in nearly \$14 million in support for Cherokee children and families. But the greater success is that we have seen bonding between children and parents that were previously absent in their child's life. More parents are learning to take responsibility for their children and themselves creating stronger families and stronger citizens.

The original code did not provide for jurisdiction over children who were eligible for tribal membership, but not yet enrolled. This unintended omission severely limited the programs ability to help a population of our children.

The second change was clearing up a typo and provides greater clarity over the Nation's ability to require a non-custodial parent's employer to honor our income assignments.

Both changes will ensure that Cherokee children get the support they deserve.