

An Act

Legislative Act 21-07

A LEGISLATIVE ACT AMENDING TITLE 43 OF THE CHEROKEE NATION CODE ANNOTATED – MARRIAGE AND FAMILY; REPEALING SECTION 512, SUBSECTION 3; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This act shall amend Title 43, Section 512(3) by repealing said subsection.

SECTION 2. PURPOSE

The purpose of this legislative act is to repeal Subsection (3) of Section 512 of Title 43 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 12-05 March 21, 2005; LA 32-06 November 20, 2006

SECTION 4. SUBSTANTIVE PROVISIONS OF LAW

§ 512 MODIFICATION, SUSPENSION OR TERMINATION OF INCOME ASSIGNMENT ORDER.

A person obligated to pay support or the person entitled to the support may petition the Court to:

1. modify, suspend, or terminate the order for income assignment because of a modification, suspension, or termination of the underlying order for support; or
2. modify the amount of income to be withheld to reflect payment in full of the delinquency by income assignment or otherwise; or
- ~~3. suspend the order for income assignment because of inability to deliver income withheld to the person entitled to support payments due to the failure of the person entitled to support to provide a mailing address or other means of delivery.~~

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.

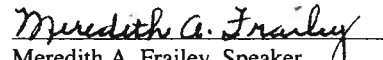
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

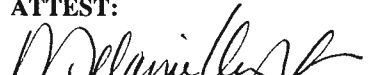
ATTEST:


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:

Melani Knight 3/28/07
Signature _____ Date _____

LEGISLATIVE CLEARANCE

Legislative Aide:

Brittany 3/28/07
Signature/Initial _____ Date _____

Standing Committee:

Rules

3/30/07

Next Meeting Date

Chairperson:

Bailey
Signature/Initial _____ Date _____

Returned to Presenter: _____
Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act

Resolution

TITLE: A Legislative Act Amending Title 43 of the Cherokee Nation Code Annotated – Marriage and Family; Repealing Section 512, Subsection 3; 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 Subsection (3) of Section 512 of Title 43 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.