



Legislation Text

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AN ACT RELATING TO THE EXPANSION OF THE JURISDICTION OF THE DISTRICT COURT OF THE CHEROKEE NATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be known and may be cited as the "Judiciary Act of 2016"

Section 2. Purpose

The purpose of this Act is to expand the jurisdiction of the District Court of the Cherokee Nation to include all child support cases in which the noncustodial parent voluntarily consents to the jurisdiction of the court.

Section 3. Legislative History

LA 11-90, effective December 13, 1990

LA 11-07, effective March 18, 2007

Section 4. Amendatory.

Section 24 of Title 20 of the Cherokee Nation Code Annotated is amended to read as follows:

§ 24. Jurisdiction-Generally

The District Court of 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 Cherokee Nation in both law and equity, whether criminal or civil in nature. Such actions shall include, but are not limited to, the following:

1. Crimes. All violations of the Criminal Code of Cherokee Nation committed within its territorial jurisdiction within the following categories:

a. Offenses committed by Indians, as defined by federal law, against all others, Indian and non-Indian; and

b. Offenses committed by Indians, as defined by federal law, which are victimless.

2. Civil causes of action. All causes of action which arise within the territorial jurisdiction of Cherokee Nation within the following categories:

a. Between all parties, Indian and non-Indian, who by their actions have submitted themselves to the jurisdiction of said Court; and

- b. Where the defendant is Indian, as defined by federal law.
3. Domestic relations. All cases involving the domestic relations of Indians including child custody and adoption matters.
4. Child support enforcement.
- a. All child support cases arising in Cherokee Nation Indian country regardless of whether the parties are Indian or non-Indian.
 - b. All child support cases arising on fee land within the jurisdictional boundaries of Cherokee Nation if the child in question is an enrolled citizen of Cherokee Nation or is eligible for enrollment as a citizen of Cherokee Nation except that the petitioning party may request that the matter be heard in state district court.
 - c. At the request of the custodial parent or entity, all child support cases arising on fee land outside the jurisdictional boundaries of Cherokee Nation where the noncustodial parent is a citizen of Cherokee Nation.
 - d. All child support cases presented to Cherokee Nation by the IV-D agencies of states or other tribes if Cherokee Nation District Court has personal jurisdiction over the noncustodial parent or the employer of the noncustodial parent.
 - e. All child support cases in which the noncustodial parent consents to the jurisdiction of the Cherokee Nation District Court.
5. Miscellaneous. All other matters over which jurisdiction has heretofore vested in 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.