A thick black L-shaped frame surrounds the text. The top horizontal bar is on the left, the left vertical bar is on the left, and the bottom horizontal bar is on the right, with a vertical bar on the right side.

# IT IS MORE THAN JUST A CALCULATION

Reframing Child Support In Indian Country

Sharon T. Thompson (Lo)  
Circling eagle Law

# INTRODUCTION

- WHO?
- WHERE?
- WHAT?
- WHY?

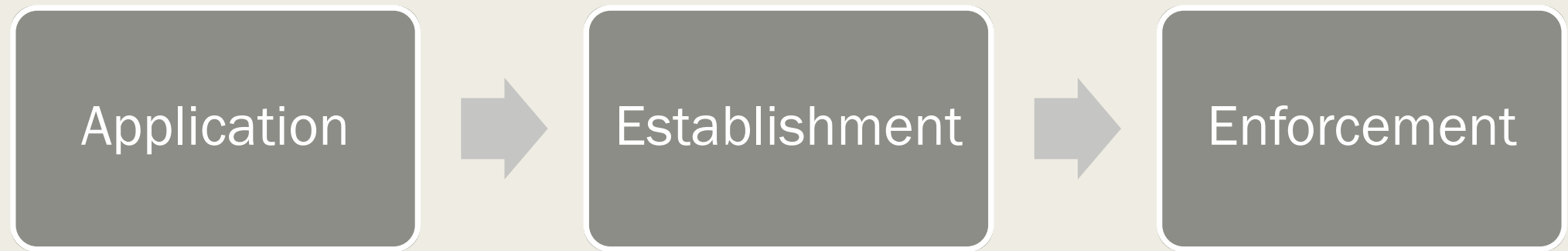
# WHAT IS CHILD SUPPORT?

- Tribal IV-D
  - *Section 455(f) of the Social Security Act*
  - *Title 45, Subtitle B, Chapter III, Section 309.01*
  - *Tribal Codes*
- Currently, 60 Tribes operate IV-D program
  - *North Dakota:*
    - Standing Rock Sioux Tribe
    - Three Affiliated Tribes
  - *Minnesota*
    - Leech Lake Band of Ojibwe
    - Mille Lacs Band of Ojibwe
    - Red Lake Band of Chippewa Indians
    - White Earth Nation

# Services for IV-D

- Paternity
- Establishment
- Modification
- Enforcement
- Location
- Inter-governmental

# Process and Procedure



# Establishment

- There is a legal duty to support a child, but this is NOT enforceable without a support order.
- 45 CFR 303.4 – 90 days rule
- INCOME?!
- 45 CFR 309.15 - Child support guidelines
  - One of three models:
    - Income Shares \*\* most common
    - Percentage of Income
    - Melson Formula

# Enforcement

- Income Withholding Orders
- Direct payment
- Arrears Management
  - *Suspensions*
  - *Federal Tax Refund Offset*
  - *Contempt*



WHERE IS THE  
PROBLEM?



# From Calculation-Focused to Child-Focused

- Where?
  - *Establishment & Enforcement*
- How?
  - *Minimum support orders*
  - *Employment and educational assistance/deferrals*
  - *Relationship Building*
- Why?
  - *Best interest of the child*



QUESTIONS?