

Fifty-ninth
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3001**

Introduced by

Legislative Council

(Budget Committee on Human Services)

1 A concurrent resolution directing the Legislative Council to study the legal and enforcement
2 issues relating to child support collections on Indian reservations, including state and tribal
3 court jurisdictions, recognition of income withholding orders, and logistics involved in
4 transferring child support collected to custodial parents.

5 **WHEREAS**, the state of North Dakota has limited jurisdiction on Indian reservations and
6 seeks to resolve problems and issues between the two governments in a respectful and
7 trusting manner; and

8 **WHEREAS**, some tribal entities do not recognize child support income withholding
9 orders unless issued from a tribal court; and

10 **WHEREAS**, separate child support payment records may be maintained by the State of
11 North Dakota and a sovereign Indian Nation, creating the potential for unnecessary collection
12 activities and delays in transferring child support collected to custodial parents; and

13 **WHEREAS**, federal regulations recently have been adopted providing for direct funding
14 of tribal child support enforcement programs; and

15 **WHEREAS**, counties with Indian reservations have difficulty providing their share of
16 regional child support enforcement unit costs in part because reservation and other tribal land
17 within the county is not taxable; and

18 **WHEREAS**, the Supreme Court's Committee on Tribal and State Court Affairs, which
19 includes representatives of both state and tribal courts, is reviewing issues relating to
20 recognition of income withholding orders; and

21 **WHEREAS**, some regional child support enforcement units no longer attempt to file
22 child support income withholding orders in tribal courts due to past failed experiences and staff
23 time involved:

24 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
25 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

1 That the Legislative Council study the legal and enforcement issues relating to child
2 support collections on Indian reservations, including state and tribal court jurisdictions,
3 recognition of income withholding orders, and logistics involved in transferring child support
4 collected to custodial parents; and

5 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
6 recommendations, together with any legislation required to implement the recommendations, to
7 the Sixtieth Legislative Assembly.