

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

Legislative Council

(Interim 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 issues relating to
3 state and tribal jurisdictions, recognition of income withholding orders, and logistics involved in
4 transferring funds collected to the custodial parent.

5 **WHEREAS**, the state of North Dakota does not have legal jurisdiction on indian
6 reservations; and

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

9 **WHEREAS**, the lake region child support enforcement units performance has been
10 below expectations due in part to the location of two Indian reservations within the region; and

11 **WHEREAS**, counties with Indian reservations are experiencing financial difficulties
12 providing their share of the costs of regional child support enforcement units do in part because
13 reservation or tribal land is not taxable by the county; and

14 **WHEREAS**, the Supreme Court's committee on tribal and state court affairs, which
15 includes representatives of both state and tribal courts, planned to begin reviewing similar
16 issues in October 2003; and

17 **WHEREAS**, some regional child support enforcement units no longer attempt to file
18 child support income withholding orders in tribal courts due to past failed experiences and costs
19 involved:

20 **NOW, THEREFORE, BE IT RESOLVED BY THE _____ OF**
21 **NORTH DAKOTA, THE _____ CONCURRING THEREIN:**

22 That the legislative council study the legal and enforcement issues relating to child
23 support the collections on indian reservations, including state and tribal jurisdictions, recognition
24 of income withholding orders, and logistics involved in transferring funds collected to the
25 custodial parent; and

- 1 **BE IT FURTHER RESOLVED**, that the legislative council report its findings and
- 2 recommendations, together with any legislation required to implement the recommendations to
- 3 the sixtieth legislative assembly.