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Fifty-ninth
Legislative Assembly
of North Dakota

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 court
3 jurisdictions, recognition of income withholding orders, and logistics involved in transferring
4 child support collected to custodial parents.

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**, delays can occur in transferring child support collected to custodial parents;
10 and

11 **WHEREAS**, the Lake Region Child Support Enforcement Unit's performance has been
12 below expectations due in part to the location of two Indian reservations within the region; and

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

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

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

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

24 That the Legislative Council study the legal and enforcement issues relating to child
25 support collections on Indian reservations, including state and tribal court jurisdictions,

1 recognition of income withholding orders, and logistics involved in transferring child support
2 collected to custodial parents; and

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