

Testimony
Interim Tribal and State Relations Committee
Representative Merle Boucher, Chairman
January 31, 2008

Chairman Boucher, members of the Tribal and State Relations Committee, I am Patricia Hodny, Special Assistant Attorney General for the Child Support Enforcement Program. I work out of the Devils Lake Regional Child Support Enforcement Unit (RCSEU). Another attorney, Mary Berg, and I are primarily responsible for all legal aspects of Child Support Enforcement for six counties – Benson, Cavalier, Eddy, Ramsey, Rolette and Towner. Within these counties lie two Reservations – Spirit Lake and Turtle Mountain. Mary Berg is licensed and works the cases in Spirit Lake, and I am licensed in Turtle Mountain. We are both members of the tribal workgroup that Mike Schwindt mentioned in his testimony. I am here to provide you with a brief insight into the interactions between the Turtle Mountain Tribal Court and the Devils Lake RCSEU on child support services.

The word that best sums up the relationship between the Devils Lake Regional RCSEU and the Turtle Mountain Tribal Court is 'collaboration'. Information sharing and flexibility have been the keys to our successful working relationship. I was first licensed to practice in the Turtle Mountain Tribal Court in October 2006, after my predecessor took another job within our program. It was not until approximately March of 2007 that I regularly began appearing in Tribal Court on behalf of the Child Support Enforcement Program.

Right now, the majority of our work in tribal court focuses on three areas – Establishment of Paternity, Establishment of Child or Medical Support, and Enforcement of Child Support Orders.

- The establishment of paternity, which is vital for enrollment, inheritance, and the establishment of support, is the starting point for the majority of our cases. In this area the parents have the option of signing a North Dakota voluntary acknowledgement of paternity or they can request genetic testing. If the last 11 months are an indicator of the trend in this area, it appears that one or both of the parents are usually opting for genetic testing. In fact, for the past 5 months, due to the transportation issues for the parents and children, the Devils Lake RCSEU, with the approval of the Tribal Court, has been conducting genetic testing once a month in the Tribal Court Building.
- Establishing Child or Medical Support orders. The filing of a legal action by the Child Support Enforcement Program in Tribal Court to establish child or medical support by the State is done because one of two things has occurred:
 - The custodial or noncustodial parent has requested our services through an application process. A majority of parents are applying for new support orders, but in some cases, the parent requests our intervention in an already established Tribal Order for enforcement or modification purposes; or
 - The custodial parent or a caretaker of the child has assigned the right to child support to the State of North Dakota, or some other state, in order to receive assistance in the form of TANF, Foster Care, or Medical Assistance.

Due to the complexity that is associated with the establishment of an ongoing child support obligation and judgments for support for prior periods, and confusion associated with the role of the State of North Dakota in these cases, none of the cases are settled by default judgment. Each and every case is set for hearing, at which time all parties have the opportunity to provide testimony, ask questions, and get clarification on various issues. Although time consuming, this process often alleviates any apprehension and correct any misinformation or understanding by the parties.

- Enforcement. The following situations would fall under this category:
 - The registration of a district court order or other foreign child support order for the purpose of enforcement because the noncustodial parent lives on Tribal land or works for a Tribal employer and a Tribal wage garnishment order is needed for the Tribal employer to be required to submit payments to the State Disbursement Unit. Prior to this process being established, it was nearly impossible to get wage garnishment from a Tribal employer on a state court order. Through trial and error, we have developed a procedure that is fair to all parties as it allows the parties an opportunity to contest the registration of the state court order on issues such as jurisdiction or the amount of arrears owed. Much success has come in this area, as the majority of cases have not been contested and an active wage garnishment order from the Tribal employer is in place; or

- Setting a contempt of court hearing for non-payment of a child support obligation. This is probably the area that we need the most work on procedurally. The hope is to have a consistent process in place and working within the next year.

I am excited to be part of the effort to strengthen the collaboration between the State and the Turtle Mountain Band of Chippewa on the issue of child support enforcement. That concludes my testimony. Thank you for your time.