

TITLE V
CHIPPEWA CREE TRIBAL
DOMESTIC RELATIONS

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TITLE V.

DOMESTIC RELATIONS

Chapter 1. MARRIAGES

1.1 Jurisdiction:

The Tribal Court shall have jurisdiction over marriage of members of the Chippewa-Cree Tribe, and of other persons, including Non-Indians, who consent to the Court's jurisdiction. Judges of the Tribal Court are authorized to perform marriage ceremonies.

1.2 Valid Marriage

The following are valid marriages under this Code:

(1) A marriage for which a license has been issued by the Tribal Court and which has been solemnized by a Tribal Judge, or by recognized clergyman, or by a Tribal Elder; and

(2) A common law marriage. A common law marriage exists when two persons who are capable of forming a marriage have agreed to be married, have openly cohabitated, have held themselves out as married to the community, and are considered to be married by the community.

1.3 License.

The Clerk of Court, if there is no showing that the proposed marriage is prohibited, shall issue a marriage license upon payment of the license fee and upon the filing of:

(1) The written application of the parties if they are over eighteen (18) years of age, or of the parties and the parent(s) or legal guardian of any party under eighteen (18) years of age; and

(2) A certificate of a physician that the Medical Examination required by Section 1.5 of this Title has been preformed.

1.3 Application for License.

The Business Committee of the Chippewa-Cree Tribe shall prescribe the form for an application for a marriage license, which shall include the following information:

(1) Name, Sex, Address, date and place of birth of each party to proposed marriage;

(2) If either party was previously married, his name, and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;

(3) Name and Address of the parents or guardian of each party;

- (4) Whether the parties are related to each other and, if so, their relationship;
- (5) Whether or not either party is an enrolled member of the Chippewa-Cree Tribe; and
- (6) The name and date of birth of any children of whom both parties are parents born prior to the making of the application unless their parental rights have been terminated.

1.4 Medical Examination.

No marriage license may be issued unless the parties submit a certification of a physician stating that within two months of the application for marriage license:

- (1) Each party has been examined by the physician; and
- (2) The physician has explained to the parties in the presence of both so much of the results of the examinations as is likely to affect their mutual life or their children.

1.6 Prohibited Marriages.

- (1) The following marriages are prohibited;
 - (a) A marriage entered into while one of the parties is married to another person.
 - (b) A marriage between an ancestor and a descendant or between a brother and a sister or between first cousins;
 - (c) A marriage between an uncle and a niece or between an aunt and a nephew.
 - (d) Any other marriages prohibited by Tribal custom and tradition.
- (2) Children born of a prohibited marriage are;
 - (a) Legitimate; and
 - (b) Tribal members of otherwise qualified.

Chapter 2 ANNULMENT

2.1 Grounds for Annulment.

The Tribal Court shall have jurisdiction to hear and determine matters of annulment upon the application of one of the parties:

- (1) When either party to the marriage was incapable of consenting to the marriage, because of age;
- (2) When consent was obtained by force, fraud, or duress;
- (3) When the party making application was of unsound mind at the time of Marriage;
- (4) When either party was at the time of the marriage incapable of consummating the marriage and the incapacity is continuing;
- (5) When the marriage is prohibited.

2.2 Waiver of Grounds for Annulment:

Except for a prohibited marriage, if, after the disclosure or termination of any of the above defects, the parties continue to live together as husband and wife for a period of six (6) months, the marriage shall not later be subject to annulment because of the defect.

2.3 Procedure:

Procedures for annulment must be instituted by the party under the disability or upon whom the force, fraud, or duress was imposed.

Chapter 3 DIVORCE OR SEPERATION

3.1 Grounds for Divorce.

A marriage shall be dissolved by divorce or legal separation in the Tribal Court, upon petition by one or both of the parties to the marriage, if:

(1) At the time the action is filed, at least one (1) of the parties has lived within or has been domiciled within the Court's jurisdiction for the preceding ninety (90) days, or has significant connections with the Chippewa-Cree Tribe;

(2) The Court finds that the marriage is irretrievably broken;

(3) To the extent that it has jurisdiction to do so, the court has provided for child custody, child support, support of either spouse, or a deposition of property. The Court may provide a separate, later hearing to complete these matters.

3.2 Complaint.

The complaint shall state the marriage is irretrievably broken, and shall set forth:

(1) The age, occupation and residence of each party and the length of residence there;

(2) The date of the marriage and the place at which it was registered;

(3) That the jurisdictional requirements are met;

(4) The names, ages and addresses of all living children of the marriage and whether the wife is pregnant;

(5) Any proposed arrangements as to support, custody and visitation of the children and maintenance of either spouse;

(6) Whether divorce or legal separation is sought.

3.3 Service and Response:

If one party files the petition, the other party must be served in the manner prescribed in the Civil Procedure Title of this code, and

may, within fourteen (14) days after the date of service, file a verified response. No decree may be entered until twenty (20) days after the date of service.

3.4 Irretrievable Breakdown:

(1) If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken.

(2) If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to filing the petition and the prospect of reconciliation, and shall:

(a) Make a finding whether the marriage is irretrievably broken; or

(b) Continue the matter for further hearing not more than sixty (60) days later and may suggest to the parties that they seek counseling.

(3) A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation.

3.5 Temporary Orders.

During the proceedings for divorce or legal separation, the Tribal Court may make temporary orders:

(1) Requiring the husband or wife to provide for the separate maintenance of his or her spouse and children as the Court may deem just;

(2) Providing for the care, custody and maintenance of the minor children of the marriage;

(3) Ordering the restraint of either spouse from in any manner threatening or interfering with the other spouse or with the minor children.

3.6 Judgments.

In addition to the dissolution of marriage by decree, the Tribal Court shall have the power to impose judgment as follows:

(1) For future custody and care of the minor children of the marriage as may be in the best interest of the children;

(2) For payment of an amount of money for either party to contribute toward the education and support of the children;

(3) For payment of an amount of money or personal property for their personal party to contribute to the maintenance of the other;

(4) For the recovery of and delivery to each of the parties any of their personal property in the possession or control of the other;

(5) For the whatever equitable distribution of marital property the Court deems just and proper based on consideration of age of the parties, health, education and skills, financial circumstances of each, and the duration of the marriage;

(6) For the restoration of the maiden name of the wife.

3.7 Separation Agreement.

The parties in an action for legal separation or divorce may enter into a separation agreement containing provisions for disposition of any property owned by either of them, maintenance of either of them, and support, custody and visitation of their children. The terms of the separation agreement, except those providing the support, custody and visitation of the children, are binding on the Court, unless finds the agreement to be unconscionable.

3.8 Best Interest of the Child.

The Court shall have jurisdiction to determine child custody if the child is domiciled or resides within the Court's jurisdiction or if it is in the best interest of the child that the Tribal Court assume jurisdiction. The Court shall determine child custody in accordance with the best interest of the child.

3.9 Decree.

A decree of dissolution of marriage or of legal separation is final when entered, subject to the right appeal. The Clerk of Court shall give notice of the entry of a decree of dissolution or legal separation, to the clerk of court in the place where marriage was registered and to a party to the marriage who did not appear in the proceedings.

3.10 Modification and Termination of Provisions for Maintenance, Support, and Property Disposition:

(1) A decree may be modified by a court as to maintenance or support only as to installments accruing subsequent to the motion for modification.

(2) Whenever the decree proposed for modification contains provisions relating to maintenance or support, modification under section (1) may only be made:

(a) Upon a showing of changed circumstances so substantial and Continuing as to make the terms unconscionable; or

(b) Upon written consent of the parties.

(3) The provisions as to property disposition may not be revoked or modified by the court, except:

(a) Upon written consent of the parties.

(b) If the Court finds the existence of conditions that justify the reopening of the judgment under the laws of the Tribe.

(4) Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(5) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or committed to a lump-sum payment, to the extent just and appropriate in the circumstances.

3.11 Payment of Maintenance or Support to Court:

(1) Upon its own motion or upon motion of either party, the court may order at any time that maintenance or support payments be made to the Clerk of the Tribal Court as trustee for remittance to the person entitled to receive the payments.

(2) The clerk of the Tribal Court shall maintain records listing the amount of Payments, the date payments are required to be made, and the names and addresses of the parties affected by the order.

Chapter 4 ADOPTION

4.1 Who May Be Adopted.

Any minor, a person under eighteen (18) years of age, may be adopted if:

- (1) The minor has no living parent, or;
- (2) The parental rights of the living parents of the minor have been terminated,
- (3) The living parents consent to the adoption. A adult may be adopted, with his or her written consent.

4.2 Consent to Adoption.

Written consent to an adoption is required of:

- (1) Any living parent of the child, except for those parents whose parental rights have been terminated, and
- (2) The legal guardian or custodian of the child, of there is any, and;
- (3) The court, if neither the parents, guardians or custodians are empowered to consent, and;
- (4) The child, if he or she is over twelve (12) years of age.

4.3 Petition for Adoption.

A petition for adoption shall be filed by the prospective adoptive parent and shall state:

- (1) The full name, age and place of residence of the petitioner, and if a married Couple, the place and date of the marriage;
- (2) The date and place of birth of the child, if known;
- (3) The name now used for the child and, if a change in name is desired, the new name;
- (4) That it is the desire of petitioner that the relationship of parent and child been established between petitioner and child;
- (5) Facts, if any, which excuse consent on the part of a parent for adoption.

The written consent required may filed with the petition or, with the Court's consent, after the filing of the petition.

4.4 Investigation.

After the filing of a petition for adoption, the Court shall order an investigation to be conducted by the Department of Social Services. The report of the investigation shall be filed with the Court within thirty (30) days of the order for investigation, and shall state:

- (1) Whether the child is legally free for adoption;
- (2) Whether the proposed name is a suitable one for the child;
- (3) That medical and social histories have been provided to the adoptive parents;
- (4) Any other circumstances and conditions of which the Court should have knowledge;
- (5) A recommendation for or against the proposed adoption.

4.5 Hearing:

All parties who must give consent to the adoption must be given notice of the adoption hearing, according to the Rules of Civil Procedure in this Code. All adoption hearings shall be private and closed to the public. The Court shall conduct the hearing to determine if the adoption is in the best interest of the person to b adopted.

4.6 Decree:

If the person to be adopted is a member of the extended family of the petitioner, or if the Court finds that the best interest of the person to be adopted will be served, the Court may grant a final decree of adoption.

In all other cases, the Court, if it finds that the adoption is in the best interest of the person to be adopted, may issue a temporary decree of adoption. After a temporary decree has been granted, the Department of Social Services shall observe the adoptive home and report in writing to the Court within six (6) months on any circumstances or conditions which may have a bearing on the adoption. After six (6) months from the date of the temporary decree, the petitioner may apply to

the Court for a final decree of adoption. After a hearing on the application, the Court may enter a final decree of adoption if it is satisfied that the adoption is in the best interest of the child. If the adoption is denied, the Court shall issue an order as to the future custody of the child.

4.7 Withdrawal of Consent:

Consent to an adoption may be withdrawn at any time before the entry of the final decree.

CHAPTER 5 GUARDIANSHIP

5.1 Persons for Whom Guardian May be Appointed:

The Court may appoint, upon motion or on its own, a guardian for the care of the person or property of a minor or incapacitated person who shall be known as the ward.

5.2 Investigation:

The Court shall require a report from the Social Services Department on the suitability of the parties involved to be guardian and ward.

5.3 Notice:

Notice of the time and place of hearing of a petition for the appointment of a guardian is to be given to: the minor or incapacitated person, if he is fourteen (14) or more years of age, and to the minor's parents or custodian or to the incapacitated person's nearest living relative or caretaker.

5.4 Hearing:

At the hearing, if the Court finds that a qualified person seeks appointment, notice has been given, and the welfare and best interest of the minor or incapacitated person will be served by the requested appointment, it shall make the appointment. In other cases, the Court may dismiss the proceedings or make any other order that will serve the best interest of the minor or incapacitated person.

5.5 Powers and Duties of Guardians:

The powers and duties of the guardian shall be those stated in the order of appointment. The Court may grant the guardian the powers and responsibilities of the parent of a minor child; the custody of the ward; the power to oversee the minor or incapacitated person's property, except that no property may be disposed of without the Court's approval; or any

limited powers that the Court feels are in the ward's best interest (such as power consent to marriage or power to approve expenditures).

5.6 Reporting to the Court:

Any guardian appointed under this Section shall advise the Court at least once per year, or more often at the Court's request, of the actions of the guardian on behalf of the ward or his property. The guardian shall also advise the Court of his actions on behalf of the ward at the time the guardianship is terminated.

5.8 Termination of Guardianship.

Termination of the guardianship shall occur:

- (1) When the minor ward becomes eighteen (18) or;
- (2) Upon application by the guardian, if granted by the Court, or;
- (3) Upon the death of the guardian or ward, or;
- (4) Upon a determination by the Court that the ward is no longer incapacitated.

Chapter 6 CHILD SUPPORT

6.1 Support – General.

In a proceeding for a determination of child support, shall order either or both parents owing a duty of support to provide reasonable child support in a culturally appropriate manner, without regard to the misconduct of either parent. Support is not limited to monetary payment.

6.2 Jurisdiction.

Jurisdiction shall be recognized in accordance with the terms set forth in the Memorandum of Agreement between the Chippewa Cree Tribe and the State of Montana. (See Title V, Part I, Chapter 2, Section 2.2; also see Section III subsection (A) of the Chippewa Cree Child Support Program Procedures Manual)

6.3 Who May Bring Action to Establish, Modify or Enforce, Child Support Order(s).

A child, her natural mother, child support program, social service agency, parent of the mother if the mother has died, or a man presumed to be the father, or a court appointed guardian may bring an action at any time during the minority of the child for the purpose of declaring the existence of the father-child relationship. An action may also be brought for the purpose of declaring the non-existence of the father-child relationship only if the action is brought within a reasonable time after obtaining knowledge of relevant facts.

An action under this chapter may be joined with an action for divorce, annulment, custody, or support. (Title V, Part VIII, Chapter 1, Section 1.4)

6.4 Petition to Determine Paternity.

- 1) A petition to determine paternity shall include the following:
 - (A) Evidence of a presumption of paternity;
 - 7 The child's name, birth place and date of birth;
 - 8 The name of the child's mother and the name of the person or agency having custody of the child, if other than the mother; or
 - 9 The dates of marriage, separation, and divorce, if applicable;
 - 10 A statement that the natural mother and alleged father agree or disagree the alleged father is the biological parent;
 - 11 A statement whether there are any judicial or administrative paternity, dependency, termination of parental rights, minor in need of care, adoption proceedings, or paternity affidavits concerning the child;
 - 12 A request to change the child's name, if applicable;
 - 13 The probable time or period of time during which conception took place. (Title V, Part VIII, Chapter 1, Section 1.2);
 - 14 A certified copy of the child's birth certificate and tribal enrollment shall be attached to the petition.

6.5 Determination of Paternity.

14.2 Paternity is established in the following ways:

- (A) The alleged father voluntarily acknowledges he is the father of the child. The court will decide if genetic testing is necessary.
- (B) If a child is born during a marriage, the husband of the child's mother is presumed to be the father. If he denies paternity, he will have to complete an affidavit stating he is not the father and request genetic testing to prove he is not the biological father of the child. (See Clinical Test Section 1.7 of this Chapter)
- (C) The alleged father denies he is the father after being named by the child's mother. The alleged father will have to complete an affidavit stating he is not the father and request genetic testing to prove he is not the biological father of the child. (See Clinical Test Section 1.7 of this Chapter)

14.3 All proceedings in this section shall be in accordance with the procedures for civil actions of this Tribal Code and the rules of the court.

14.4 A judgment of the court establishing the identity of the father of the child shall be conclusive of the fact in all subsequent determinations of

inheritance and in the criteria for enrollment with the Chippewa Cree Tribe.

14.5 If the paternity of any child is not established, the child shall be presumed to have one-half degree of the Indian blood of the mother for purposes of meeting the criteria for enrollment with the Chippewa Cree Tribe. (Title V, Part VIII, Chapter 1, Section 1.1)

6.6 Pre-Trial Proceedings or Traditional Circles.

- 1) As soon as practicable after an action to declare the existence or nonexistence of the father-child relationship has been brought, an informal closed hearing shall be held. On the basis of the information produced at the pre-trial hearing, the Judge conducting the hearing shall evaluate the probability of determining the existence or non-existence of the father and child relationship in a trial and may recommend that the parties settle this matter, if the matter cannot be settled, the action shall be set for trial. (Title V, Part VIII, Chapter 1, Section 1.5 (1))
- 2) Traditional Circles. (See Title V, Part VI, Chapter 1)

6.7 Clinical Test Evidence.

- 1) In any action or proceeding, upon motion of any interested party, for good cause shown, may request the court to order the mother, child, and the alleged father to submit to an examination of blood and tissue specimens for the purpose of testing any genetic systems that are generally accepted within the scientific community for the determination of paternity probability. The results of the tests together with the opinions and conclusions of the testing laboratory shall be filed with the Child Support Program. The cost of the test shall be paid by the father should it be found he is the father. Otherwise the mother shall pay the cost of the test.
- 2) Only persons licensed by the appropriate authorities may draw blood or tissue for the purpose of testing to determine parentage. Such person may not be held liable for the damages to the party from whom the blood or tissue is drawn.
- 3) Evidence relating to paternity may include one or more of the following:
 - (A) Evidence of sexual intercourse between the mother and the alleged father and possible time of conception;
 - (B) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;
 - (C) Laboratory test results, weighted in accordance with evidence, if available of the statistical probability of the alleged father's paternity;

(D) All other evidence relevant to the issue of paternity. (Title V, Part VIII, Chapter 1, Section 1.6)

6.8 Civil Action; Judge Tribal.

1) An action under this section is a civil action governed by the rules of civil procedure of the Chippewa-Cree Tribe Law and Order Code. The matter shall be held in the family court without a jury. (Title V, Part VIII, Chapter 1, Section 1.7 (1))

6.9 Petition to Determine Child Support.

1) After the Paternity has been established: A petition for child support maybe filed, and must be completed on a form approved by the Child Support Program and at a minimum shall contain:

(A) The name, address, tribal affiliation, date and place of birth, and social security number of the parents or legal custodial parents and the child for whom support is requested;

(B) The child support obligation requested or stipulated;

(C) The proposed provision for health insurance for the child;

(D) Any proposed work-related day care or extraordinary medical expenses;

(E) The date the child support obligation is to begin and terminate;

(F) The proposed frequency of support payments;

(G) A statement whether child support payments should be made by wage withholding;

(H) A statement from the Child Support Program will assure the following proceedings have been completed whether any of the following proceedings involving the parents or the child are pending or have taken place in any court or administrative agency, and if so, the date of the proceeding and the name and place of the court or agency:

- i. Child Custody Proceeding;
- ii. Child Support Proceeding;
- iii. Paternity Proceeding;
- iv. Proceeding requesting a protective, restraining or no-contact order involving the child or a party.

(I) A statement whether either parent has received state or tribal public assistance, and if so, the date(s) and name(s) of the state or tribe providing assistance;

(J) Financial information;

(K) Authorization for the release of all financial records to the Chippewa Cree Tribe Tribal Court and the Child Support Program;

- (L) Which parent should be allowed to claim the child as a dependent for income tax purposes; and
- (M) The recommendation of the Child Support Program regarding child support and health insurance coverage, if applicable.

6.10 Factors Court Shall Consider.

- 1) In determining the child support obligation and the period during which the duty of support is owed, the court shall consider the Tribe's customs and all relevant factors including but not limited to:
 - (A) The resources of the child;
 - (B) The resources of the parent;
 - (C) The standard of living that the child would have enjoyed;
 - (D) The physical and emotional condition of the child and the child's educational and medical needs;
 - (E) The cost of day care for the child;
 - (F) Any custody arrangement that is decided upon;
 - (G) The needs of any person, other than the child, whom either parent is legally obligated to support and;
 - (H) Any additional non-monetary contribution made by a parent to the child that has been approved by the court.

i. Include In-Kind Values

6.11 Order for Support.

- 1) The Court must make a written finding of the basis for ordering a parent to provide support to a child. If the court does not order a parent owing a duty to support a child, the court shall state its reasons for not ordering child support.

6.12 Modification of Child Support.

- 1) A child support order may be modified by a court as to maintenance or support only as to installments accruing after notice to the parties of the motion for modification.
- 2) A motion to modify an order shall be accompanied by an affidavit or declaration and shall state the requested relief.
- 3) Both parties shall file updated financial information forms at least ten (10) days before the modification hearing, except that:
 - (A) In agreed modification orders no financial information need be filed with the Court unless ordered by the Court; and
 - (B) A party is not required to provide his or her financial information as part of the Court record provided that party has made full and complete financial disclosure to the Child Support Program and the Program has

certified that it has reviewed the financial information and its recommendation is based upon that information.

- 4) Modification is appropriate if:
 - (A) There is a showing of changed circumstances so substantial and continuing as to make the terms unconscionable;
 - (B) Upon written consent of the parties;
- 5) Child Support orders may be modified for future support only.

6.13 Enforcement of Support.

- 1) A request to enforce a child support order must be accompanied by: the child support order, an affidavit or declaration stating the length of time the obligation has been overdue, or facts supporting a history of non-compliance, the amount of overdue child support; and the requested relief.
- 2) Voluntary income assignments completed and signed by the non-custodial parent. Program staff then sends the standardized form to the employer.
- 3) In addition to other remedies, the court may issue an order to an employer trustee, financial agency, or other person, or corporation on the reservation, to withhold and pay over to the Child Support Program or the person designated by the Court, or the parent, money due or to become due.
 - (A) Income withholding. The Judge must include a statement in the order that should the obligated party fail to make a support payment, her income is subject to be withheld.
- 4) Other methods of enforcement are:
 - (A) A Federal Income Tax Refund Offset in favor of the Child Support Program or the moving party;
 - (B) Attachment of the party's assets;
 - (C) An order intercepting Federal, Tribal or Tribal Enterprise retirement, contract or non wage payments;
 - (D) An order revoking or suspending any business license issued by the Chippewa Cree Tribe, or any license or privilege to exercise any Chippewa Cree Tribe treaty right until payment is made.
- 5) Basic steps when a case is received for enforcement:
 - (A) New cases are to be reviewed by Program staff to ensure that signed orders and direct pay affidavits are in the file and the named children are in the custodial parent's custody.
 - (B) Arrears are calculated and a letter is sent to both the non-custodial and custodial parent to notify him or her of the amount of arrears.
- 6) Monitoring Enforcement of a Child Support Order:

(A) For each Child Support Program case, staff either monitors the monthly payment when payment is made to the Tribe or assists the custodial parent upon request when payment is made directly to him/her.

(B) When the person owing support makes payment through the Tribe:
develop fiscal policy

- i. Payment is deposited into the Child Support Program Account.
- ii. Program staff will record the amount of the payment and the application of the money (to the custodial parent, to the TANF program for current reimbursement or for arrears payments).
- iii. Program staff will fill out the tribal requisition form for the Finance Department to send a check in the appropriate amount to the custodial parent of the children, a state or tribe that requested program services.
- iv. Program staff will mail a statement of the account to both parties every year.

(C) When a party has made payment to a state, the Child Support Program will:

- i. Mail a statement of the account to both parties yearly.
- ii. Receive notification from the state of the payment for current TANF reimbursement or for arrears payment.
- iii. Record the amount of the payment and the application of the money (to the custodial parent, to the TANF program for current reimbursement or for arrears payments.)
- iv. Fill out the tribal requisition form for the Finance Department to send a check in the appropriate amount to the custodial parent of the children, a state or tribe that requested program services.

7) Multiple Orders: If there are two or more orders, and only one of the tribunals would have continuing, exclusive jurisdiction, the order of that tribunal is the controlling order.

(A) If there are two or more orders and more than one tribunal could claim continuing, exclusive jurisdiction, an order issued by a tribunal in the current home state of the child is the controlling order. If an order has not been entered in the current home state of the child, the order most recently entered is the controlling order.

(B) If there are two or more orders and none of the tribunals can claim continuing, exclusive jurisdiction, the tribunal of the state having jurisdiction over the parties shall issue a child support order which would become the controlling order.

8) Default: The court shall issue a written order based on the best information available. The defaulting parent's income may be used as

long as there is a reasonable and adequate evidence presented to verify such income.

9) A statute of limitations of ten (10) years shall be effect in all cases where a child is born and none of the presumptions under this part have been met. (Title V, Part VIII, Chapter 1, Section 1.8 (1))

6.14 Policy on State of Montana's Child Support Enforcement Division Notification.

1) A notification from the State to the Tribe shall be recognized in accordance with the terms set forth in the Memorandum of Agreement between the two sovereigns.