



NCA 14-109

CLASSIFICATION: #6. CHILDREN AND FAMILY RELATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 6 §§ 6-201 AND 202, ENTITLED "Child Support Guidelines"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Muscogee (Creek) Nation Child Support Code, approved by NCA 12-238, needs to be amended to update child support laws in the establishment and enforcement of child support.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 6, Chapter 6 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. AMENDMENT. MCNCA Title 6 §§ 6-201 and 202 are hereby amended to read as follows:

§6-201. General.

A. A child shall be entitled to support by the parents until the child reaches eighteen (18) years of age. If a child order is established and said child is regularly enrolled in and attending high school, other means of high school education, or an alternative high school education program as a full time student, said child shall be entitled to support by the parents until the child graduates from high school or until the age of twenty (20) years, whichever occurs first. No hearing or further order is required to extend

support after the child reaches the age of eighteen (18) years.

B. The CSE may initiate a child support establishment action up to the time a minor child reaches the age of eighteen (18).

C. Child support obligations are made for the parents' natural, legal or legally adopted minor children. A stepchild is not eligible for child support and shall not be considered in the computation for establishment of a child support order.

D. The amount of a child support order shall not be construed to be an amount per child unless specified by the District or administrative court order. A child reaching the age of majority or otherwise ceasing to be entitled to support pursuant to the support order shall constitute a material change in circumstances, but shall not automatically serve to modify the order. When the last child of the parents ceases to be entitled to support, the child support obligation is automatically terminated as to prospective child support only.

E. An individual who has been judicially or administratively determined to be the father of a child shall be ordered to pay all or a portion of the costs of the birth and the reasonable expenses of providing for the child for prior months from the date of the birth of the child to the filing date of the petition for establishment of paternity, not to exceed ~~five~~ two (52) years preceding the filing of the action. The mother shall be liable for the reasonable expenses of providing for the child to the same extent as the father and subject to the same limitation of liability for any time she does not have custody of the child prior to the establishment of paternity or an order for support.

F. In a proceeding to establish or modify a child support order, each party shall completely disclose his or her financial status.

G. Both the mother of a child born out of wedlock and an individual who has been legally determined to be the father of a child by acknowledgment or by judicial or administrative order are each liable for the support of the child.

H. An action to establish or enforce the obligation of support may be brought by either parent, or other custodial person, or the guardian of the child, by the public authority chargeable with the support of the child, or by the child.

§6-202. Termination of Parental Rights.

The termination of parental rights shall not terminate the duty or obligation of either parent to support the child. If the parental rights of a mother or father are terminated in an adoption proceeding, the obligation to support the child ceases for the parent whose rights were terminated. Child support arrearages are not affected by the adoption of the child.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective October 1, 2014 upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 26th day of July, 2014.

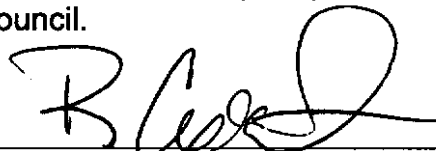
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

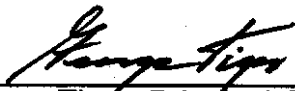
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the 26th day of July, 2014 and that the above is in conformity with the provisions therein adopted by a vote of 14 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



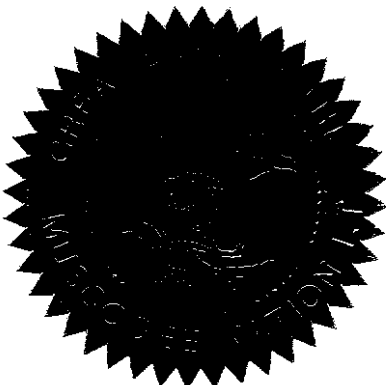
Rebecca Crowels, Acting Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 30th day of July, 2014 to the above Law, **NCA 14-109** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation





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support after the child reaches the age of eighteen (18) years.

B. The CSE may initiate a child support establishment action up to the time a minor child reaches the age of eighteen (18).

C. Child support obligations are made for the parents' natural, legal or legally adopted minor children. A stepchild is not eligible for child support and shall not be considered in the computation for establishment of a child support order.

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E. An individual who has been judicially or administratively determined to be the father of a child shall be ordered to pay all or a portion of the costs of the birth and the reasonable expenses of providing for the child for prior months from the date of the birth of the child to the filing date of the petition for establishment of paternity, not to exceed two (2) years preceding the filing of the action. The mother shall be liable for the reasonable expenses of providing for the child to the same extent as the father and subject to the same limitation of liability for any time she does not have custody of the child prior to the establishment of paternity or an order for support.

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SECTION FOUR. EFFECTIVE DATE. This Act shall become effective October 1, 2014 upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 26th day of July, 2014.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the 26th day of July, 2014 and that the above is in conformity with the provisions therein adopted by a vote of 14 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Rebecca Crowels, Acting Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 20th day of July, 2014 to the above Law, **NCA 14-109** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

