

Ordinance No. 53. – Resolution H-034-98 approves the Hopi Parental Responsibilities Ordinance.

HOPI TRIBAL COUNCIL
RESOLUTION
H-034-98

WHEREAS, the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) gives the Hopi Tribal Council the power to represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe; and

WHEREAS, the "Hopit Potskwaniat - Hopi Tribal Consolidated Strategic Plan of 1995" identified as a critical issue, the need "to effectively address youth needs and deal with youth problems"; and

WHEREAS, the reality is, that according to the Arizona Department of Economic Security, Division of Child Support Enforcement (DCSE), there are 3,032 unresolved and unenforceable cases of child support and parentage of children between the ages of 0-18, within the jurisdiction of the Hopi Tribe where either the custodial or the non-custodial parent lives on the Hopi Reservation or both parents live on the Hopi Reservation (Attachment 1); and

WHEREAS, of the 3,032 cases which were assigned to the DCSE by the custodial parent when they applied for TANF (formerly, AFDC), only 27 cases were enforceable as Arizona State does not have jurisdiction over parents living and working on the Hopi Reservation; and

WHEREAS, the development of a public policy and enactment of a comprehensive Hopi Tribal Ordinance will enhance Hopi sovereignty by: (1) adding to the independence and strength of the Hopi Tribal Court, (2) creating a solid foundation for welfare

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reform initiatives; and (3) ensuring that Hopi children will grow up with an identity and support that is adequate for their needs; and

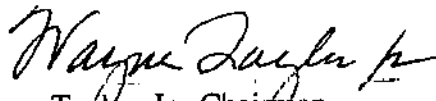
WHEREAS, the proponents of the “Hopi Parental Responsibility Ordinance” have consulted with the Hopi people and villages, solicited petitions of support (Attachment 2), and have incorporated the comments and concerns of the Hopi public into the ordinance language;

NOW THEREFORE BE IT RESOLVED by the Hopi Tribal Council that it has reviewed the proposed “Hopi Parental Responsibility Ordinance” and hereby adopts and enacts the document into law as Hopi Tribal Ordinance No. 53.

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CERTIFICATION

The foregoing resolution was duly adopted by the Hopi Tribal Council on April 8, 1998, at a meeting at which a quorum was present with a vote of 7 in favor, 4 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.


Wayne Taylor, Jr., Chairman
Hopi Tribal Council

ATTEST:



Mary A. Felter, Tribal Secretary
Hopi Tribal Council

ORDINANCE NO. 53

**HOPI PARENTAL
RESPONSIBILITY ORDINANCE**

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HOPI PARENTAL RESPONSIBILITY ORDINANCE
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1 Section 1 - Short Title

2 This Ordinance shall be known as the Hopi Parental Responsibility Ordinance.

3 Section 2 - Statement of Policy.

4 A. It is the public policy of the Hopi Tribe to support the rights of children.
5 Children represent a continuation of the Hopi way of life and of future generations. They must
6 be loved and receive care. Parents and relations have a responsibility to contribute to the
7 nourishment and support of their children. Parents must also establish the parentage of their
8 children for tribal enrollment and for identity in family and clan relations.

9 B. Both parents have an obligation towards their children that includes much
10 more than financial support; it includes time and attention as well as guidance and the teaching
11 of Hopi values. While it is the policy of the Hopi Tribe to support these non-financial elements
12 of parenthood, nothing in this Ordinance makes them mandatory.

13 C. Children shall be maintained as completely as possible from the resources
14 of their parents. This Ordinance establishes a judicial process for the establishment of
15 parentage; the establishment, modification and enforcement of child support obligations; and
16 adds remedies to those already existing for child support enforcement. It also provides for a
17 uniform schedule of child support payments to make awards more fair and to provide parties and
18 judges with guidance in determining child support. This Ordinance shall be liberally construed
19 to effectuate the policies stated herein.

20 Section 3 - Definitions

21 For purposes of this Ordinance:

22 A. "Absent Parent" or "Non-custodial Parent" means a parent of a child or
23 children, whether born during the course of marriage or outside of marriage, who is not the
24 parent with primary physical custody or any person who otherwise has a legal obligation to
25 provide support for that child or children.

26 B. "Basic Visitation" means a custody arrangement whereby one parent has
27 physical custody and the other parent has visitation with the children of the parties less than

1 thirty-five percent of the time;

2 C. "Child" means any person under the age of 18 or is over 18 and is enrolled
3 full time in high school or a General Equivalency Diploma program, and is not otherwise
4 emancipated, self-supporting, married, or an active member of the armed forces; or a person
5 who is over the age of 18 and for whom equity demands continued child support as specified
6 in Section 14 of this Ordinance.

7 D. Unless otherwise specified, "Child Support" as used in this Ordinance
8 means the financial obligation a parent has towards his or her child or children, whether such
9 obligation is established through judicial or administrative process, by stipulation of the absent
10 parent, or by parentage of any child or children. The financial obligation of a parent shall be
11 met through the payment of monies and/or through the provision of other goods and/or services,
12 as ordered by the Court or agreed by the parties. Where goods and services are used to meet
13 a child support obligation, the Court shall determine their reasonable monetary value and deduct
14 this amount from the child support obligation determined by the guidelines. The cost of non-
15 necessary gifts which are not agreed upon by the parents shall not be subtracted from a child
16 support obligation.

17 E. "Custodial Parent" means the person who exercises physical custody of the
18 child or children on the basis of agreement between the parents, village decree or court order,
19 or the absence of one parent. Unless otherwise provided by law, a guardian with physical
20 custody of the child or children and standing in the position of the parent shall have the same
21 rights to child support as a custodial parent.

22 F. "Employer" includes all persons or entities who agree to compensate
23 another person for services performed at that person or entity's request.

24 G. "Garnishment" is the process whereby a court order is directed to an
25 employer, bank, or agent holding monies or property of an absent parent, to make payments or
26 deliver property to satisfy a child support obligation in accordance with the order.

27 H. "Gross Income" includes income from any source and includes, but is not

1 limited to income from salaries, wages, tips, commissions, bonuses, dividends or other corporate
2 distributions, severance pay, pensions, interest, trust income, annuities, capital gains, income
3 from sales of Indian arts and crafts, social security benefits, workers compensation benefits,
4 unemployment insurance benefits, disability insurance benefits, significant in-kind benefits that
5 reduce personal living expenses, prizes and alimony or maintenance received, provided:

- 6 (a) "Gross Income" shall not include benefits received from means-tested
7 public assistance programs (such as TANF, SSI, and Food Stamps) or
8 child support received by a parent for the support of other children;
- 9 (b) Income from self-employment, rent, royalties, or proprietorship of a
10 business means gross receipts minus ordinary and necessary expenses
11 required to produce such income, but ordinary and necessary expenses do
12 not include expenses determined by the Court to be inappropriate for
13 purposes of calculating child support;
- 14 (c) Income from ownership in a partnership means the partner's share of
15 gross receipts less ordinary and necessary expenses required to produce
16 such gross receipts, but ordinary and necessary expenses do not include
17 expenses determined by the Court to be inappropriate for purposes of
18 calculating child support.
- 19 (d) For seasonal or fluctuating income, gross monthly income shall be
20 calculated by taking the annual income of the preceding year and dividing
21 by twelve, unless the Court finds another method is more reasonable;
- 22 (e) Alimony actually paid in compliance with a court order shall be deducted
23 from gross income;
- 24 (f) Child support actually paid by a parent for earlier born children who are
25 not in that parent's custody shall be deducted from gross income; and
- 26 (g) A reasonable amount for a parent's obligation to support earlier-born
27 children who are in that parent's custody shall be deducted from gross

1 income. The duty to support subsequent children, however, shall not
2 ordinarily justify reducing support owed to children of the parties, but
3 may, if appropriate, act as a defense to subsequent petitions to increase
4 support.

5 (h) The gross income of a parent means only the income and earnings of that
6 parent and not the income of subsequent spouses, notwithstanding the
7 community nature of both incomes after marriage.

8 I. "Hopi" fully includes members or traditions of the Hopi Tewa of Arizona.

9 J. "Hopi Child Support Registry" means the entity of the Hopi Tribal Courts
10 that receives, distributes, and maintains records of child support payments.

11 K. "Income" is defined as actual gross income of a parent if employed to full
12 capacity, or potential income if unemployed or underemployed. The potential income of a
13 parent will not be used in the calculation of child support unless a preponderance of evidence
14 shows that the parent has a greater potential than actual income. The Court may choose not to
15 make a finding of greater potential than actual income for a primary custodial parent actively
16 caring for a child who is under the age of six or disabled. If potential income is used for the
17 purpose of calculation of child support for the custodial parent, a reasonable child care expense
18 should also be assumed;

19 L. "Income Tax Refund Interception" is a remedy whereby any income tax
20 refund of an absent parent shall be intercepted directly from the United States, any state, Hopi
21 Tribe, or other Indian Nation for the payment of public and/or support debt.

22 M. "Marriage" is an institution according to any practice recognized under
23 Hopi law, including marriage according custom and tradition where sufficient evidence of such
24 marriage is presented to the Hopi courts.

25 N. "Obligor" shall mean the person with an obligation to pay child support.

26 O. "Obligee" shall mean the person or agency with the right to receive child
27 support.

1 P. "Payor" shall mean a person or other entity with a present, legal
2 obligation, whether as an employer, buyer of goods, debtor, pension fund, or otherwise, to pay
3 an obligor. Persons whose obligation to pay is conditional may not be required to pay the
4 amount to a child support obligee until the obligation is no longer conditional. Persons whose
5 obligation is not a legal but a moral obligation are not payors for purposes of this Ordinance.

6 Q. "Parent" means the biological or adoptive mother or father of a child.

7 R. "Parentage" means the condition of being the biological or adoptive mother
8 or father of any child or children. The term includes both the paternity and maternity of any
9 child or children.

10 S. "Primary Physical Custody" means physical custody of a child or children
11 65 percent or more of the time.

12 T. "Public Assignment of Child Support Rights" means the assignment of
13 child support rights, including the right to establish or enforce child support or parentage, by
14 the custodial parent to the Hopi Tribe or any state or federal agency. Such assignment may be
15 in connection with the payment of benefits under the federal Temporary Aid to Needy Families
16 (TANF) to or for the benefit of any child or children by the Hopi Tribe, or any state or federal
17 agency, as a consequence of the failure of an absent parent to provide child support.

18 U. "Shared Responsibility" means a custody arrangement whereby each parent
19 provides a suitable home for the children of the parties, when the children spend at least thirty-
20 five percent of the year in each home and the parents significantly share the duties,
21 responsibilities and expenses of parenting.

22 V. "Support enforcement agency" means a Hopi Tribal, federal, state official
23 or agency authorized to engage in any of the following activities:

- 24 1. Enforcement of support orders or laws relating to the duty of support;
- 25 2. Establishment or modification of child support obligations;
- 26 3. Determination of parentage; or
- 27 4. Location of obligors or their assets.

1 W. "TANF" means Temporary Assistance for Needy Families, the government
2 benefit program to support families with dependent children that has replaced AFDC.

3 X. "Wage Assignment" means a voluntary written assignment of earned wages
4 which is submitted to an employer, authorizing the employer to pay a portion of the earned
5 wages of the employee to or for the benefit of a child.

6 Section 4 - Jurisdiction for Child Support Determination; Proceedings Involving
7 Village Members

8 A. The Hopi Tribal Court shall have jurisdiction in all civil proceedings
9 described in this Ordinance, except that the Hopi Villages have original jurisdiction in all
10 proceedings involving Village members.

11 B. If the child is a member of a Hopi Village, the petitioner must file a copy
12 of the petition with the kikmongwi or other leader of the child's Village at the same time as
13 filing it with the Court. The copy to the Village shall contain the following statement:

14 The Hopi Tribal Court does not have original jurisdiction over this
15 matter pursuant to Article III, Section 2, of the Hopi Constitution.
16 Your Village may choose to handle this matter in the way
17 traditional to your Village; request the services of the Hopi Tribal
18 Court to assist you in your processing of this matter; intervene in
19 this action; or delegate jurisdiction to the Hopi Tribal Court. The
20 deadline for your reply stating the decision of the Village is (20
21 days from date of filing) .

22 If within 20 days the Village informs the Court that the Village intends to
23 assume jurisdiction, the Court shall stay the matter pending the Village decision. If the Village
24 informs the Court that it does not wish to resolve the matter, or fails to respond within 20 days,
25 the Court shall proceed with the matter.

26 C. Villages may request an extension of time to decide whether to handle the
27 matter, and may request to reassume jurisdiction at any time, even though the deadline has

1 passed. Villages may also choose to handle only one aspect of a dispute presented to them, and
2 delegate remaining issues to the Courts for resolution.

3 D. A Village decision regarding parentage and/or child support may be
4 enforced by the Hopi Tribal Court through an appropriate action brought before that Court. The
5 Hopi Tribal Court shall also certify Village decisions as having the same force and effect as a
6 court order upon presentation of sufficient evidence of the Village decision.

7 Section 5 - Court Initiated Child Support Determination

8 In any proceeding before the Hopi Tribal Court in which there is at issue the
9 support of a child the Court shall determine the support obligations of the parents and enter an
10 order of child support according to this Ordinance. Divorces involving children are one example
11 of such a proceeding.

12 If, after the passage of this Ordinance, the Court fails to determine child support
13 when such a matter is before it, the person caring for the child may request back support from
14 the time at which the Court heard the original matter.

15 Section 6 - Child Support Determination Initiated by Custodial Parent or Other
16 Interested Party

17 A. An action to determine child support or parentage may be initiated at any
18 time before the child in question has his or her eighteenth birthday, or thereafter under
19 circumstances specified in Sections 3.C or 16 of this Ordinance. Any custodial parent or
20 guardian, with or without an attorney, or any Tribal, state or federal agency authorized to
21 enforce the child support laws may initiate an action for child support by filing a petition for
22 establishment of child support with the clerk of the Hopi Tribal Court and, if the parties are
23 members of a Village or Villages, with the kikmongwi or leader of the child's Village.

24 B. The petition to establish child support shall include the following:

25 1. The name, address, income and tribal affiliation, if any, of the
26 custodial parent or guardian;

27 2. The name, date of birth, and tribal affiliation, if any, of the child

1 or children for whom support is requested;

2 3. The cost of the children's health care and dental insurance
3 premiums paid by the custodial parent, if any;

4 4. The cost of child care necessary to permit the parent to work;

5 5. Any extraordinary costs associated with caring for the child, such
6 as necessary medical costs or education costs or costs of transportation for
7 visitation between parents sharing custody;

8 6. If custody is split between the parents, the percentage of the year
9 (calculated as numbers of days in the year with each parent) during which the
10 petitioner has physical custody of the child;

11 7. The name and tribal affiliation, if any, of the non-custodial parent
12 from whom support is requested and whether parentage by the non-custodial
13 parent has been established;

14 8. If known, the social security number, address, and income of the
15 non-custodial parent. If the address of the non-custodial parent is unknown, the
16 Court shall refer the matter to the Federal Parent Locator Service.

17 C. The petition to establish parentage shall include the following:

18 1. The name, address, and tribal affiliation, if any, of the custodial
19 parent or guardian;

20 2. The name, date of birth, and tribal affiliation, if any, of the child
21 or children whose parentage is at issue;

22 3. The name and tribal affiliation, if any, of the person who is
23 claimed to be the parent;

24 4. If known, the social security number and address of the non-
25 custodial parent.

26 5. Evidence of parentage including, but not limited to, birth
27 certificates, marriage or sharing residence of the parties, or genetic tests performed.

1 D. Upon receipt of the petition, the Court shall schedule a hearing to
2 determine child support within 50 days from the date the petition is filed. The Clerk of the
3 Court shall issue a summons providing notice of the date and subject matter of the hearing with
4 a copy of the petition to the petitioner for service on the respondent. The summons shall inform
5 the respondent of the following:

6 1. That if he or she chooses not to appear at the hearing or enter a defense
7 to the petition challenging the authority of the court to hear the matter by the date
8 of the hearing, the hearing shall proceed on the basis of the petitioner's evidence;

9 2. That parentage will be established at the hearing if parentage has not
10 yet been established and that genetic tests will be ordered if parentage is disputed;

11 3. That the respondent's employer or others with evidence of the parent's
12 income may be subpoenaed to provide the Court with records of his or her
13 earnings;

14 4. That if the respondent is unemployed he or she will still be assumed
15 to be able to provide some degree of child support and an order of support will
16 be calculated according to the Guidelines unless the Court makes written findings
17 of injustice in their application to the respondent pursuant to Section 16(F) of this
18 Ordinance;

19 5. That he or she may enter into a stipulated support agreement or
20 voluntary acknowledgement of parentage as stated in this Ordinance;

21 6. That any answer to the petition must be filed within 20 days of the
22 date of service of the petition.

23 The petition shall be served in person, unless service in person is not feasible.
24 If personal service is not feasible, the petition may be served by certified mail on the last known
25 address of the respondent or by other method approved by the Court."

26 F. Answers must be served on the petitioning party and filed with the Court
27 within 20 days of the date of service of the petition.

1 G. Upon request of either party the Court shall issue subpoenas to the adverse
2 party, his or her employer, or any other person in possession of relevant information to appear
3 or produce documents. Failure to comply with such a subpoena may be punishable as contempt
4 of court.

5 Section 7 - Stipulated Agreement

6 At any time prior to the date of the hearing, the parties may enter into a stipulated
7 agreement as to the establishment of parentage or the level of child support obligation. The
8 court will not approve an agreement that provides for a level of child support that is substantially
9 less than that provided for by the Hopi Tribal Child Support Guidelines established pursuant to
10 Section 16 of this Ordinance. If the respondent contends that the Guidelines are unjust as
11 applied to his or her situation, he or she must establish this in a hearing before the Hopi Tribal
12 Court, pursuant to Section 16(F) of this Ordinance.

13 The signed stipulated agreement shall be submitted to the Hopi Tribal Court for
14 approval and enforcement. After said agreement is approved by the Court, it shall be filed with
15 the Clerk of the Tribal Court with a statement that it shall have the same force as an order
16 issued by the Court. The obligation of the non-custodial parent to pay child support shall
17 commence on the date that the stipulated agreement is filed.

18 Section 8 - Hearing Procedures

19 A. Relevant Information

20 The factual determinations made at the hearing shall be limited to the parentage
21 of the child or children and the income and expense information necessary to determine the
22 appropriate level of support according to the Hopi Tribal Child Support Guidelines.

23 B. Use of Custom and Tradition; Validation of Traditional Marriages

24 The Hopi Courts should consider Hopi customs and traditions relevant to child
25 support or parentage, including evidence of traditional marriage and birthing ceremonies, in
26 making any determination under this Ordinance. Upon presentation of sufficient evidence by
27 the parties, the Hopi Courts may also recognize traditional Hopi marriages for any purposes.

1 C. Discovery

2 In hearings in child support and parentage matters the Hopi Tribal Courts shall
3 not be limited to discovery with the consent of both parties, but shall also have the power to
4 utilize mandatory discovery procedures to obtain any information relevant to the establishment
5 or enforcement of child support or parentage. These procedures shall include the following:

6 1. The inspection of property, examination and production of pertinent
7 records, books, information, or evidence;

8 2. The subpoena of any person for testimony under oath, for
9 production of documents or things, and for submission to genetic testing;

10 3. Punishment by contempt for refusal to comply with the discovery
11 orders of the court.

12 D. Representation

13 Both parties have the right to representation at their own expense. Representatives
14 shall be those authorized by the Hopi Court to appear before it and officers of Child Support
15 Enforcement Agencies or other tribal officials authorized by the Hopi Tribe to represent those
16 seeking child support on the Hopi Reservation.

17 E. Establishment of Parentage

18 1. If parentage is disputed, the Court shall order genetic testing of the parties,
19 unless the Court finds good cause not to. If such test confirms parentage, the disputing parent
20 shall pay the costs of testing. If the test disproves parentage, the petitioner shall pay the costs
21 of testing.

22 2. A positive genetic test will establish a presumption of parentage. Such
23 presumption can only be rebutted with clear and convincing scientific evidence. Unless a party
24 objects to the results of testing in writing more than five working days before the hearing, such
25 tests shall be admitted as evidence without need for foundation testimony or other proof of
26 authenticity.

27 3. A birth certificate signed by the putative parent will also establish a

1 presumption of parentage that can only be rebutted by clear and convincing evidence.

2 4. In the event that a genetic test is not available or not in the best interests
3 of the child, evidence that the parties were married shall create a rebuttable presumption of
4 parentage.

5 5. Testimony by the disputing parent as to the petitioning parent's infidelity
6 is not competent evidence in a determination of parentage unless there is corroboration from
7 another source.

8 F. Establishment of Level of Support

9 The Court shall establish the amount of the child support obligation of the absent
10 parent by using the Hopi Tribal Child Support Guidelines provided in Section 16. The court
11 shall not depart downward from the guidelines unless it makes written findings of injustice as
12 applied to the respondent pursuant to Section 16(F) of this Ordinance.

13 The standard of proof for establishment of the amount of the child support
14 obligation shall be by preponderance of the evidence. The petitioner shall bear the burden of
15 proof, except that the respondent shall bear the burden of proof that the guidelines are unjust as
16 applied to the respondent.

17 G. Default

18 If the respondent fails to appear at the hearing upon a showing of valid service
19 and the petitioner presents evidence of parentage or obligation by the absent party, the Court
20 shall enter an order of parentage and child support obligation pursuant to the evidence.

21 Section 9 - Content and Effect of Order

22 A. Monetary payments under a child support order shall be made to the Hopi
23 Child Support Registry for distribution to the custodial parent or other resident guardian of the
24 child. The Court may, however, order payments to be made elsewhere if there is a showing that
25 it is in the best interests of the child. Payments of goods and services shall be made to the home
26 of the child or elsewhere as the court orders or the parties arrange.

27 B. Each order for child support or maintenance payments shall include an

1 order that the absent parent and custodial parent notify the Hopi Child Support Registry of any
2 change of employer or change of address within 10 days of such change.

3 C. In the event the order contains a determination of child support obligation,
4 the order shall be in favor of the child through his or her custodial parent or guardian. The
5 payments may be made through another party or through a trust if there is a showing that
6 payments through the custodial parent or guardian are not in the best interests of the child. The
7 non-custodial parent has the burden of showing that the custodial parent is not the most
8 appropriate trustee of child support payments for the child.

9 D. A custodial parent who receives TANF benefits on his or her own behalf
10 or for the benefit of a child shall, at the request of the agency, assign child support rights for
11 the TANF beneficiary child or children, to the Hopi Tribe or other federal or state agency which
12 makes TANF payments to the custodial parent, with the exception of any portion of the payment
13 passed through to the custodial parent.

14 E. The assignment of child support rights includes the right to prosecute any
15 action to establish parentage, and to establish, modify, and/or enforce the amount of child
16 support obligation, pursuant to this Ordinance or any other provision of applicable Hopi law.
17 All such actions shall be brought in the name of the Hopi Tribe, or such other federal or state
18 agency which made TANF payments to the custodial parents.

19 F. In the event the order contains a determination of child support payments,
20 the order shall provide for wage garnishment and reception of state and Indian gaming winnings
21 and income tax refunds as a means for execution on any unpaid child support obligation.

22 G. Wages shall also be subject to garnishment or voluntarily assigned before
23 the non-custodial parent falls behind, as part of the original child support order or later upon
24 motion of a party, unless there is a finding of good cause by the Court not to require
25 garnishment or the parties have agreed in writing on an alternative method of ensuring payment.

26 H. A child support order shall constitute a lien on the real or personal
27 property of the person that it is filed against from the date of its filing in the office of the clerk

1 of the court where any of the property is situated. A copy of the recorded notice shall be sent
2 to the person whose property is attached at his or her last known address.

3 Exceptions: Hopi ceremonial and religious property and real property held in
4 trust are exempt from such liens. This section also cannot be used to supersede the role of the
5 villages or clans in determining inheritance or use of land.

6 I. Every child support order shall remain in effect until the eighteenth
7 birthday of the child for whose benefit it is entered, absent legal termination of parental
8 responsibilities, such as emancipation or adoption of the child. If the child has not yet graduated
9 from high school at the time of his or her eighteenth birthday, the order shall remain in effect
10 so long as he or she is a full-time student in high school or a General Equivalency Diploma
11 program.

12 J. Where the noncustodial parent is a minor, the Court may, at its discretion,
13 choose to make the child support enforcement order enforceable against the parents of the minor
14 noncustodial parent.

15 Section 10 - Enforcement of Order

16 A. Notice of Delinquency

17 In the event that the non-custodial parent is at least one month delinquent in
18 paying his or her child support obligation, the custodial parent or authorized public office may
19 prepare and serve upon the non-custodial parent a notice of delinquency and filing the notice
20 with proof of service on the Court. Service of the notice shall be effected by sending the notice
21 by prepaid certified mail addressed to the non-custodial parent at his or her last known address,
22 or by any method provided by law. The notice shall inform the non-custodial parent of the
23 following:

- 24 1. The terms of the child support enforcement order sought to be
25 enforced;
- 26 2. The period and total amount of the delinquency;
- 27 3. The procedures to avoid immediate withholding;

1 4. That an order to withhold income shall be served on the payor within
2 20 days after service is completed unless the non-custodial parent complies with
3 the procedures to avoid withholding;

4 The notice of delinquency shall be verified and filed, with proof of service, with
5 the clerk of the court.

6 B. Order to Withhold Income and Give Security for Debt

7 If, twenty days after completion of service of the notice of delinquency, the non-
8 custodial parent has not filed a motion presenting good cause why income should not be
9 withheld, the Court shall serve an order to withhold income on the employer or other payor of
10 the non-custodial parent. Such order shall direct that the non-custodial parent's wages and other
11 benefits be garnished in an amount equal to the monthly support payment. An additional twenty
12 percent of the support payment, or such additional amount as the court may order after notice
13 and hearing, shall be withheld each month to compensate for any accrued delinquent payment
14 until the delinquency is satisfied.

15 A payor served with an order to withhold income shall begin withholding no more
16 than 14 days after service of the notice. An order to withhold income shall be binding against
17 future payors upon actual notice of the order or service by personal delivery or certified mail
18 upon the payor. Pursuant to 28 U.S.C. § 1738B, such service shall be equally binding upon
19 employers and payors not within the jurisdiction of the Hopi Courts.

20 C. Bond Requirement

21 Twenty days after the service of the notice of delinquency, the Court may require
22 that a party post a bond, give security, or some other guarantee to secure payment of overdue
23 support unless the non-custodial parent makes a sufficient showing of one of the first three
24 grounds set forth in part D of this section.

25 D. Stay or Waiver of Order to Withhold Income

26 If the non-custodial parent wants to prevent an order to withhold income from
27 being served, he or she must file a motion to stay service with the clerk of the Hopi Tribal

1 Court within twenty days after service of the notice of delinquency. Grounds for the motion to
2 stay service shall be limited to:

- 3 1. A dispute concerning the existence or the amount of the delinquency;
- 4 2. Non-compliance with this Ordinance; or
- 5 3. Evidence that the delinquency has been cured since the filing of the notice.
- 6 4. Evidence of a court approved agreement between the non-custodial parent and
7 the custodial parent for an alternative method of payment.

8 The court may only waive the order to withhold income if it finds that the non-
9 custodial parent has met the burden of showing good cause why income should not be withheld
10 and upon a written order of the reasons for such cause.

11 E. Criminal Sanction

12 Willful failure to comply with a Hopi Child Support Order may also be punishable
13 as a criminal offense under the provisions in Hopi Ordinance 21 concerning Persistent
14 Nonsupport (3.3.31), Failure to Obey Lawful Order of Court (3.3.84), Contempt of Court
15 (2.15.3) and/or any other relevant provisions appropriate under the facts of the case.

16 F. Seizure of Property

17 Non-exempt property of the debtor may be seized and sold to execute a child
18 support obligation that has been adjudicated delinquent by the courts, following the procedures
19 provided by the Hopi Indian Rules of Civil and Criminal Procedure, with the addition that real
20 as well as personal property may be sold. Ceremonial or religious property and real property
21 held in trust are exempt from such writs of execution.

22 G. Suspension or Denial of Licenses

23 Upon receiving evidence of two refusals to comply with a lawful Hopi Child
24 Support order, or evidence of willful failure to pay child support for at least one year, the Court
25 shall order the suspension or denial of the non-paying parent's occupational, recreational, and
26 motor vehicle licenses, unless the Court finds that it would not be in the best interest of the child
27 to suspend such licenses. A court order to suspend or deny such licenses shall be binding on

1 and given effect by the license issuing agencies. If license issuing agencies not within the
2 jurisdiction of the Hopi tribe refuse to give effect to such orders, the party seeking suspension
3 should submit the order to the court of the license issuing agency for full faith and credit as an
4 order of that court.

5 H. Enforcement of Orders for Provision of Goods and Services

6 Failure to comply with an order to provide goods and services to meet a child
7 support obligation may be enforced in the same manner as orders for monetary support, except
8 that the Court may not physically compel persons to perform services. Income may be withheld
9 or property seized and sold to provide the custodial parent with the monetary value of the goods
10 and/or services that were not provided.

11 Section 11 - Modification of Order; No Modification of Past Due Support

12 The child support obligation of an absent parent may be modified upon entry of
13 an order by the Hopi Court. Either parent may petition the Court for an order based upon a
14 showing of a change of circumstances supported by affidavit. Such petition shall require the
15 other parent to appear and show cause why the decision previously entered should not be
16 prospectively modified. The order to appear and show cause together with a copy of the
17 affidavit upon which the order is based shall be served by the petitioning parent on the other
18 parent in the same manner as the notice of delinquency. A hearing shall be set for not more
19 than 50 days from the date of service.

20 A change in the Hopi Tribal Child Support Guidelines shall constitute a change
21 in circumstances and shall justify modification of a child support order.

22 The amounts of past due support may not be modified unless there is a showing
23 of exceptional circumstances, such as insanity or lack of any legal, actual, or constructive notice
24 of the award, that prevented the non-custodial parent from requesting a modification in the child
25 support obligation. If the child support award becomes unjust due to changed circumstances of
26 the non-custodial parent, the non-custodial parent has the duty to petition the court for a changed
27 award at that time. He or she may not raise that change in circumstances as a reason not to pay

1 a past due award.

2 Section 12 - Employers Must Honor Wage Assignments and Garnishments;
3 Retaliation Prohibited.

4 No employer shall refuse to honor an order of garnishment entered by the court
5 or a voluntary wage assignment executed pursuant to this Ordinance. Employers shall begin
6 withholding income no more than 14 days after receipt of a true copy of the order.

7 No employer may discharge or take other adverse action against any employee
8 because his or her wages have been subjected to assignment or garnishment for child support.
9 An employer may, however, deduct the actual costs of complying with an order of garnishment
10 or wage assignment, not to exceed five dollars, from the amount garnished or assigned. The
11 employer must justify such deductions in a written itemization presented to the Hopi Child
12 Support Registry and forwarded to the parties.

13 Section 13 - Full Faith and Credit for Foreign Child Support Orders

14 A. Properly issued court and administrative orders, judgments or decrees of
15 other Indian tribes, states, or federal agencies, that relate to child support enforcement, will be
16 given full faith and credit pursuant to 28 U.S.C. § 1738B. Such orders will be considered
17 properly issued where the issuing tribunal had personal jurisdiction over the person claimed to
18 be bound by the foreign order, subject matter jurisdiction over the matter, proper service of
19 process under the law of the issuing jurisdiction was made on such person, and the order was
20 issued according to the laws of that tribunal.

21 B. A foreign order is authenticated by reasonable proof that the document
22 tendered to the Clerk of the Hopi Tribal Court is a true copy of the foreign order as it is
23 recorded in the agency or court of the issuing jurisdiction. An authentication stamp issued by
24 a clerk of court or custodian of records, or a court seal, is sufficient evidence of authenticity.

25 C. Unless defects in jurisdiction are apparent on the face of the foreign order,
26 the person contesting enforcement of the order has the burden of showing the order is not valid.
27 If the respondent does not respond and object within twenty days after being served with notice

1 of the application for full faith and credit, the Hopi Tribal Court shall recognize and enforce it
2 as a Hopi Tribal Court Order.

3 D. Where a foreign order is invalid by reason of a lack of jurisdiction in the
4 agency or court of the issuing jurisdiction, the Court may adopt some or all of its provisions as
5 an original order of the Court after determining that the respondent was given sufficient notice
6 and opportunity to present evidence and that the provisions adopted do not contravene Hopi law
7 or policy.

8 Section 14 - Post-Minority Child Support

9 The Hopi Tribal Court has equitable jurisdiction to order a non-custodial parent
10 to pay child support for the benefit of a child who has reached the age of majority (18 or older)
11 if equity demands. Circumstances that may support an order of post-minority support include
12 the following:

- 13 1. Full-time enrollment in post-secondary academic or vocational school by a
14 child under thirty. Such support shall cease during any periods during which the
15 child is not a full-time student, excluding summer vacations.
- 16 2. Serious physical or mental disability of the child which prolongs his or her
17 dependence on his or her parental income past the age of eighteen.

18 A court ordering post-minority support shall state the reasons for doing so in
19 writing. Amounts established for post-minority child support shall be those determined by the
20 court to be fair and appropriate under the circumstances.

21 As provided earlier in this Ordinance, children who have not graduated from high
22 school by the age of eighteen are entitled to child support as provided by the guidelines so long
23 as they are full time students in high school or General Equivalency Diploma programs.

24 Section 15 - Sovereign Immunity of the Hopi Tribe

25 Nothing in this Ordinance is intended to abrogate or otherwise impair the
26 sovereign immunity of the Hopi Tribe.

27 Section 16 - Hopi Tribal Child Support Guidelines.

1 A. Introduction

2 The Hopi Tribe here establishes a scale of minimum financial child support
3 contributions. This scale shall be used to determine the amount an absent parent shall pay for
4 support of his or her child or children pursuant to this Ordinance.

5 The Hopi Tribal Child Support Guidelines are based on the Income Shares Model.
6 The Income Shares Model is predicated on the concept that a child should receive the same
7 proportion of parental income that he or she would have received if the parents lived together.
8 Under this model, a basic child support obligation is computed based on the combined income
9 of the parents (replicating total income in a two-parent household). Each parent is responsible
10 for providing a portion of that child support obligation in proportion to the fraction of the
11 combined parental income that they earn. The custodial parent, however, will ordinarily be
12 assumed to already be expending his or her portion of the child support obligation on the daily
13 needs of the child.

14 The guidelines place a duty for child support upon both parents based on their
15 respective financial resources. They are not intended to impoverish or impose unreasonable
16 obligations on the non-custodial parent. Instead, they are intended to ensure that parents with
17 the ability to contribute to their children's support contribute as they would if their children lived
18 with them. In all but exceptional circumstances parents are assumed to be able to contribute
19 something to their children's support, whether in financial support or equivalent goods and
20 services.

21 The guidelines shall be reviewed by a Committee one year after the effective date
22 of this Ordinance to ensure that they respond effectively and justly to the needs of Hopi children
23 and families. The Committee shall have no less than four members, and shall at a minimum
24 include one representative or delegate from each of the following entities: the Hopi Tribal
25 Courts; the Office of the Hopi General Counsel; the Office of the Chairman; and the Hopi
26 Guidance Center. Thereafter, the Committee shall review the Guidelines for possible revision
27

1 at least once every four years to ensure that the amounts provided for in the guidelines are
2 periodically adjusted for increases or decreases in the costs associated with the care and support
3 of children within the Hopi Reservation. The Hopi Tribal Council may authorize the revisions
4 recommended by the Committee without reconsidering the entire Ordinance.

5 B. Purposes of the Child Support Guidelines.

6 The purposes of the child support guidelines are to:

- 7 1. Establish as Hopi policy an adequate standard of support for children, subject
8 to the ability of parents to pay;
- 9 2. Make support payments more equitable by ensuring more consistent treatment
10 of persons in similar circumstances; and
- 11 3. Improve the efficiency of the court process by promoting settlements and
12 giving guidance in establishing levels of child support to the Hopi Tribal Courts and the parties.

13 C. Use of the Child Support Guidelines.

14 In any action to establish or modify child support, the child support guidelines as
15 set forth in this section shall be applied to determine the child support due and shall create a
16 rebuttable presumption for the amount of such child support obligation. The Hopi Tribal Child
17 Support Guidelines shall be used for temporary and permanent orders, separations, dissolutions,
18 and support decrees. The Hopi Tribal Child Support Guidelines shall be used by the Hopi Tribal
19 Courts as the basis for reviewing the adequacy of child support levels in non-contested cases as
20 well as contested hearings.

21 D. Determination of the Child Support Amount

22 To establish or modify child support, the child support guidelines as set forth shall
23 be applied to determine the amount of child support due. A specific amount of child support
24 should always be ordered, no matter how minimal, to establish the principle of that parent's
25 obligation to provide physical support to the child.

- 26 1. The basic child support obligation shall be calculated based on the combined
27

1 income of both parents and shall be paid by them proportionately pursuant to the worksheets
2 provided in the Appendix. Unemployment shall not excuse the parent from the obligation to
3 contribute some degree of support, unless otherwise provided under these guidelines.

4 2. Physical Custody adjustments shall be made as follows:

5 a. For basic visitation situations, the basic child support obligation shall be
6 calculated using the Basic Child Support Schedule, Worksheet A and instructions
7 provided for Worksheet A. The Court may provide for a partial abatement of child
8 support for visitation of one month or longer; and

9 b. For shared responsibility arrangements, the basic child support obligation shall
10 be calculated using the Basic Child Support Schedule, Worksheet B and instructions
11 provided for Worksheet B.

12 c. In shared responsibility situations, each parent retains the percentage of the
13 basic support obligation equal to the number of twenty-four-hour days of responsibility
14 spent by each child with each respective parent divided by three hundred sixty-five.

15 3. The cost of providing necessary medical, dental and behavioral health care for
16 the children of the parties and the net reasonable child care costs incurred on behalf of these
17 children due to employment or job search of either parent shall be paid by each parent in
18 proportion to his or her income, in addition to the basic obligation. Each parent shall provide
19 their proportional share of the cost of supplemental medical and dental insurance which may be
20 available to them through their employment and is necessary to provide full coverage of the
21 needs of the child.

22 4. The child support award may also include the payment of the following
23 expenses not covered by the basic child support obligation:

24 a. any extraordinary medical, dental or behavioral health expenses incurred on
25 behalf of the children of the parties. Such extraordinary expenses are uninsured expenses
26 in excess of one hundred dollars (\$100) per child per year;

- 1 b. any extraordinary educational expenses for children of the parties; and
2 c. transportation and communication expenses necessary for long distance
3 visitation or time sharing.

4 E. Orders for Provision of Goods and/or Services

5 1. The child support obligation calculated under the guidelines may, under order
6 of the Court or as agreed in writing by the parties, be satisfied in whole or in part through the
7 provision of goods and/or services to the custodial parent. The Court shall determine the
8 reasonable monetary value of the goods and services and deduct this amount from the child
9 support obligation determined by the guidelines. The cost of non-necessary gifts which are not
10 agreed upon by the parents shall not be subtracted from a child support obligation.

11 2. Absent other findings by the Court, where the non-custodial parent has
12 sufficient disposable income, monetary payments should be preferred as easier to record,
13 enforce, and use to satisfy the specific needs of the child.

14 3. Absent other findings by the Court, where the non-custodial parent has little
15 disposable income and can contribute more to the child through provision of goods and services
16 than in monetary payments, orders to satisfy child support obligations through the provision of
17 goods and services should be preferred.

18 4. Orders that goods and services be delivered to the household of the child or
19 the custodial parent should not be made if there is evidence that the non-custodial parent poses
20 a threat to any member of the household.

21 F. Deviations from Guidelines

22 1. The Court may order child support in an amount different from that which is
23 provided in these guidelines, only if all of the following five criteria are met:

24 a. The party requesting deviation shows by a preponderance of the evidence that
25 application of the guidelines is clearly inappropriate or unjust in the particular case; and

26 b. Deviation is in the best interest of the child or children for whom the child
27

1 support obligation is being established; and

2 c. The Court states what award is recommended by application of the guidelines;
3 and

4 d. The Court states the amount of child support which is actually awarded after
5 the deviation; and

6 e. The Court makes written findings regarding items (a) through (d), above.

7 2. Where application of the guidelines would cause substantial hardship to the
8 non-custodial parent, the custodial parent, or the subject children under the circumstances,
9 deviation downward or upward may be justified.

10 3. Whenever application of the child support guidelines set forth in this section
11 requires a person to pay to another person more than forty percent of his gross income for
12 current, non-delinquent support of a single child, there shall be a presumption of substantial
13 hardship.

14 4. Unemployment shall not be a cause for a finding of substantial hardship where
15 the court determines that the person contesting application of the guidelines is voluntarily
16 unemployed, having declined to accept or pursue employment opportunities reasonably open to
17 the respondent based on his or her ability and local employment opportunities. In such cases,
18 the court shall impute to the respondent that amount of income that the respondent is reasonably
19 capable of earning and calculate a child support award based on this imputed income.

20 5. Courts should consider whether the obligor can without substantial hardship
21 provide goods and services with a monetary value equal to the amount recommended by the
22 guidelines before deciding to deviate from the guidelines because of substantial hardship.

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

This Schedule is only part of the overall guidelines and must be used together with the accompanying information

1	COMBINED						
2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33
34	35	36	37	38	39	40	41
42	43	44	45	46	47	48	49
50	51	52	53	54	55	56	57
58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73
74	75	76	77	78	79	80	81
82	83	84	85	86	87	88	89
90	91	92	93	94	95	96	97
98	99	100	101	102	103	104	105
6	<300	50	50	50	50	50	50
7	300	66	105	120	125	130	140
8	400	88	140	160	170	180	190
9	500	110	175	200	240	270	285
10	600	132	210	240	270	285	300
11	650	145	227	270	298	323	346
12	700	152	238	283	313	339	362
13	750	160	249	296	327	354	379
14	800	168	261	310	343	371	397
15	850	177	273	324	358	388	416
16	900	185	285	339	374	406	434
17	950	194	297	353	390	423	452
18	1000	202	310	367	406	440	471
19	1050	211	322	381	422	457	489
20	1100	219	334	396	437	474	507
21	1150	228	346	410	453	491	526
22	1200	236	358	424	469	508	544
23	1250	245	370	439	485	526	562
24	1300	254	383	453	501	543	581
25	1350	262	394	466	515	558	597
26	1400	271	406	480	531	575	616
27	1450	281	418	495	547	592	634
28	1500	290	430	509	562	609	652
29	1550	299	442	523	578	626	670
30	1600	308	454	537	594	643	688
31	1650	317	467	551	609	660	707
32	1700	327	479	566	625	678	725
33	1750	336	491	580	641	695	743
34	1800	345	503	594	656	712	761
35	1850	354	515	608	672	728	780
36	1900	363	527	622	688	745	798
37	1950	371	539	637	703	762	816
38	2000	379	551	651	719	779	834
39	2050	388	563	665	735	796	852
40	2100	396	575	679	750	813	870
41	2150	405	588	693	766	830	888

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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1	COMBINED						
2	ADJ. GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
3	<u>INCOME</u>	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	<u>CHILDREN</u>
4							
5							
6	2200	413	600	707	782	847	907
	2250	421	612	721	797	864	925
7	2300	430	624	736	813	881	943
	2350	438	636	750	829	898	961
8	2400	447	648	764	844	915	979
	2450	455	660	778	859	932	997
9	2500	463	671	790	873	947	1013
10	2550	469	680	802	886	960	1028
	2600	476	690	813	898	973	1042
11	2650	483	699	824	910	987	1056
	2700	489	709	835	922	1000	1070
12	2750	496	719	846	935	1013	1084
	2800	503	728	857	947	1026	1098
13	2850	510	738	868	959	1040	1113
14	2900	516	747	879	971	1053	1127
	2950	523	757	890	984	1066	1141
15	3000	530	766	901	996	1080	1155
16	3050	536	776	912	1008	1093	1169
	3100	543	785	923	1020	1106	1184
17	3150	548	793	932	1030	1117	1195
	3200	553	800	941	1039	1127	1206
18	3250	558	807	949	1049	1137	1217
	3300	562	814	958	1058	1147	1228
19	3350	567	821	966	1068	1157	1239
20	3400	572	828	975	1077	1168	1249
	3450	577	835	983	1087	1178	1260
21	3500	581	842	992	1096	1188	1271
	3550	586	849	1000	1105	1198	1282
22	3600	591	856	1009	1115	1209	1293
23	3650	596	863	1017	1124	1219	1304
	3700	601	871	1026	1134	1229	1315
24	3750	605	878	1034	1143	1239	1326
	3800	610	885	1043	1152	1249	1337
25	3850	614	890	1049	1160	1257	1345
26	3900	618	896	1056	1167	1265	1353
27	3950	623	902	1062	1174	1272	1361

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used together with the accompanying information

1	COMBINED						
2	ADJ. GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
3	<u>INCOME</u>	<u>CHILD</u>	CHILDREN	CHILDREN	<u>CHILDREN</u>	<u>CHILDREN</u>	CHILDREN
4							
5							
6	4000	627	907	1068	1181	1280	1369
	4050	631	913	1075	1188	1287	1377
7	4100	635	919	1081	1194	1295	1385
	4150	639	924	1087	1201	1302	1393
8	4200	644	930	1093	1208	1310	1401
	4250	648	936	1100	1215	1317	1410
9	4300	652	942	1106	1222	1325	1418
10	4350	656	947	1112	1229	1332	1426
	4400	660	953	1119	1236	1340	1434
11	4450	664	959	1125	1243	1347	1442
	4500	669	964	1131	1250	1355	1450
12	4550	671	969	1136	1255	1361	1456
13	4600	674	973	1141	1261	1366	1462
	4650	677	976	1146	1266	1372	1468
14	4700	679	980	1150	1271	1377	1474
	4750	682	984	1155	1276	1383	1480
15	4800	685	988	1159	1281	1388	1485
16	4850	687	992	1163	1285	1393	1491
	4900	690	995	1168	1290	1399	1496
17	4950	692	999	1172	1295	1404	1502
18	5000	695	1003	1176	1300	1409	1508
	5050	697	1006	1181	1305	1414	1513
19	5100	700	1010	1185	1309	1419	1519
	5150	703	1014	1190	1315	1425	1525
20	5200	706	1018	1195	1320	1431	1531
	5250	710	1024	1201	1327	1439	1539
21	5300	715	1031	1209	1337	1449	1550
22	5350	720	1039	1218	1346	1459	1561
	5400	726	1046	1226	1355	1469	1572
23	5450	731	1054	1235	1365	1479	1583
24	5500	736	1061	1243	1374	1490	1594
	5550	742	1068	1252	1383	1500	1605
25	5600	747	1076	1260	1393	1510	1616
	5650	752	1083	1269	1402	1520	1626
26	5700	757	1091	1277	1412	1530	1637
27	5750	763	1098	1286	1421	1540	1648

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

This Schedule is only part of the overall guidelines and must be used together with the accompanying information

1							
2							
3	COMBINED						
4	ADJ. GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
5	INCOME	<u>CHILD</u>	CHILDREN	<u>CHILDREN</u>	CHILDREN	<u>CHILDREN</u>	CHILDREN
6	5800	768	1106	1294	1430	1550	1659
	5850	773	1113	1303	1440	1561	1670
7	5900	779	1120	1311	1449	1571	1681
	5950	783	1126	1318	1457	1579	1690
8	6000	787	1132	1325	1465	1588	1699
	6050	791	1138	1332	1472	1596	1708
9	6100	795	1144	1339	1480	1604	1717
	6150	799	1150	1346	1488	1613	1726
10	6200	803	1156	1353	1496	1621	1734
	6250	807	1162	1360	1503	1630	1743
11	6300	811	1168	1367	1511	1638	1752
	6350	815	1174	1374	1519	1646	1761
12	6400	820	1180	1381	1526	1655	1770
	6450	824	1185	1388	1534	1663	1779
13	6500	828	1191	1395	1542	1671	1788
	6550	832	1197	1402	1550	1680	1797
14	6600	836	1203	1409	1557	1688	1806
	6650	840	1209	1416	1565	1697	1815
15	6700	844	1215	1423	1573	1705	1824
	6750	848	1221	1430	1580	1713	1833
16	6800	852	1227	1437	1588	1722	1842
	6850	856	1233	1444	1596	1730	1851
17	6900	860	1239	1451	1604	1738	1860
	6950	865	1245	1459	1612	1747	1870
18	7000	869	1252	1466	1620	1756	1880
	7050	874	1259	1474	1629	1766	1889
19	7100	879	1265	1482	1637	1775	1899
	7150	883	1272	1489	1646	1784	1909
20	7200	888	1279	1497	1654	1793	1919
	7250	893	1285	1505	1663	1803	1929
21	7300	897	1292	1513	1672	1812	1939
	7350	902	1298	1520	1680	1821	1949
22	7400	907	1305	1528	1689	1831	1959
	7450	911	1312	1536	1697	1840	1969
23	7500	916	1318	1544	1706	1849	1979
	7550	921	1325	1551	1714	1858	1989

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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754	755	756	757	758	759	760	761
762	763	764	765	766	767	768	769
770	771	772	773	774	775	776	

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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762	763	764	765	766	767	768	769
770	771	772	773	774	775	776	

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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1	COMBINED						
2	ADJ. GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
3	INCOME	<u>CHILD</u>	CHILDREN	CHILDREN	CHILDREN	<u>CHILDREN</u>	CHILDREN
4							
5							
6	11200	1210	1748	2055	2270	2461	2633
	11250	1215	1754	2062	2279	2471	2643
7	11300	1219	1761	2070	2287	2480	2653
	11350	1223	1767	2078	2296	2489	2663
8	11400	1227	1773	2086	2304	2498	2673
	11450	1232	1780	2093	2313	2508	2683
9	11500	1236	1786	2101	2322	2517	2693
	11550	1240	1792	2109	2330	2526	2703
10	11600	1244	1799	2116	2339	2535	2713
	11650	1248	1805	2124	2347	2545	2723
11	11700	1253	1812	2132	2356	2554	2732
	11750	1257	1818	2140	2364	2563	2742
12	11800	1261	1824	2147	2373	2572	2752
	11850	1265	1831	2155	2381	2582	2762
13	11900	1270	1837	2163	2390	2591	2772
	11950	1274	1843	2171	2398	2600	2782
14	12000	1278	1850	2178	2407	2609	2792
	12050	1282	1856	2186	2416	2619	2802
15	12100	1287	1862	2194	2424	2628	2812
	12150	1291	1869	2201	2433	2637	2822
16	12200	1295	1875	2209	2441	2646	2832
	12250	1299	1881	2217	2450	2656	2841
17	12300	1304	1888	2225	2458	2665	2851
	12350	1308	1894	2232	2467	2674	2861
18	12400	1312	1900	2240	2475	2684	2871
	12450	1316	1907	2248	2484	2693	2881
19	12500	1321	1913	2256	2493	2703	2892
	12550	1324	1918	2261	2499	2709	2898
20	12600	1327	1923	2266	2505	2715	2905
	12650	1330	1927	2271	2510	2721	2911
21	12700	1333	1931	2277	2516	2727	2918
	12750	1336	1936	2282	2522	2733	2924
22	12800	1339	1940	2287	2527	2739	2931
	12850	1342	1945	2292	2533	2745	2937
23	12900	1345	1949	2297	2538	2751	2944
	12950	1348	1953	2302	2544	2758	2951

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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710	711	712	713	714	715	716	717
718	719	720	721	722	723	724	725
726	727						

1	14800	1473	2131	2509	2773	3006	3216
2	14850	1476	2135	2514	2779	3012	3223
	14900	1479	2140	2520	2784	3018	3229
3	14950	1482	2144	2525	2790	3024	3236
	15000	1485	2149	2530	2796	3031	3243
4	For	9.9%	14.3% of	16.8% of	18.6% of	20.2% of	21.6% of
5	incomes	of	income	income	income	income	income
6	over	income					
7	15,000						
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APPENDICES:

FORMS

These forms are attached to assist parties and others in implementing this Ordinance. Unless otherwise specified in this Ordinance, use of these forms is not mandatory or preferred. The forms are separate from the Ordinance and may be changed as appropriate without formal reapproval by the Hopi Council.

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**MONTHLY CHILD SUPPORT OBLIGATION
WORKSHEET A - Basic Visitation
[INSERT PROPERLY FORMATTED CAPTION FOR COURT]**

MONTHLY CHILD SUPPORT OBLIGATION

A. Gross Monthly Income and Percentage

	Custodial Parent	+	N o n - Custodial Parent	=	Combined Column
1. Gross Monthly Income	\$ _____	+	\$ _____	=	\$ _____
2. Percentage of Combined Income (Each parent's income divided by combined income times 100)	_____ %	+	_____ %	=	100%

B. Computation of Basic Support

3. Number of Children for Whom Support is Sought	_____
4. Basic Support for Number of Children	\$ _____

C. Additional Support Costs

5. Children's Health and Dental Insurance Premium	\$ _____	+	\$ _____	=	\$ _____
6. Work Related Child Care	\$ _____	+	\$ _____	=	\$ _____
7. Extraordinary Costs	\$ _____	+	\$ _____	=	\$ _____
8. Total Additional Support Costs	\$ _____	+	\$ _____	=	\$ _____

D. Calculation of Support Amount

9. Total Basic and Additional Support Costs (Add Combined Column Figures from Line 4 and Line 8)	\$ _____
10. Each Parent's Obligation	\$ _____ + \$ _____ = \$ _____
11. Enter Each Parent's Total Additional Support Costs from Line 8	\$ _____ \$ _____

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12. Each Parent's Net Child Support Obligation (Subtract Line 11 from Line 10) \$ _____ \$ _____

Non-custodial Parent pays \$ _____ each month to Custodial Parent for Child Support Costs.

Custodial Parent's Signature Date _____

Non-custodial Parent's Signature Date _____

**BASIC VISITATION
INSTRUCTIONS FOR WORKSHEET A**

Line 1. Gross Monthly Income:

Includes all income, except TANF, Food Stamps and Supplemental Security Income. Use current income if steady. If income varies a lot from month to month, use an average of the last twelve months, if available, or last year's income tax return. Add both parents' gross incomes and put total under the combined column.

Line 2. Percentage of Combined Income:

Divide each parent's income by combined income and multiply by 100 to get that parent's percentage of combined income.

Line 3. Number of Children:

Enter number of children on Line 3 of worksheet.

Line 4. Basic Support:

Round combined income to nearest fifty dollars (\$50). Look at the basic child support schedule. In the far left-hand column of the basic child support schedule find the rounded combined income figure. Read across to the column with the correct number of children. Enter that amount in the combined column on Line 4.

Line 5. Children's Health and Dental Insurance Premium:

Parents who may obtain medical and/or dental insurance at a reasonable cost through their employment where their children's health care needs are not sufficiently met by the Indian Health Service are required to obtain such insurance. Enter the cost paid by a parent for covering these children with medical and dental insurance under that parent's column on Line 5. Add costs paid by each parent and enter under the combined column on Line 5.

Line 6. Work-Related Child Care:

If child care is currently being provided, enter the cost paid by each parent for work-related child care. If no child care is currently provided, but is necessary to allow the custodial parent to seek or maintain employment, then insert the documented cost of available child care. If the cost varies (for example, between school year and summer), take the total yearly cost and divide by twelve. Enter each parent's actual child care payment in that parent's column on Line 6. Add the cost for both parents and enter in the combined column on Line 6.

Line 7. Additional Extraordinary Costs:

Enter the amounts paid by each parent for any extraordinary medical, dental, behavioral health, or educational expenses incurred on behalf of the children, and transportation and communication expenses necessary for long distance visitation or time sharing. Add the cost for both parents and enter in the combined column on Line 7. For initial establishment of child support, there is no recoupment of past extraordinary costs. For modifications of child support, extraordinary costs may be recouped.

Line 8. Total Additional Support Costs:

Enter the amounts from Lines 5, 6 and 7 in the column for each parent in order to determine the amounts actually to be paid for medical/dental insurance, work-related child care, and additional expenses.

Line 9. Total Basic and Additional Support Costs:

Add the basic support amount from Line 4 and the total additional support costs from the combined column on Line 8.

Line 10. Multiply the total basic and additional support costs amount from Line 9 by the

1 percentage for each parent from Line 2 to calculate each parent's child support obligation. The
2 sum of these amounts in the combined column must equal the amount from Line 9.

3 Line 11. Enter each parent's amount of total additional support costs from Line 8.

4 Line 12. Subtract the amount of each parent's total additional support costs from Line 11 from
5 each parent's total basic and additional support costs entered on Line 10 to arrive at each
6 parent's net monthly child support obligation. The Custodial Parent is deemed to be providing
7 that amount of child support costs. The Non-custodial Parent's net monthly child support
8 obligation shall be entered into the space provided, and shall be the amount paid to the Hopi
9 Child Support Registry or other payee on a monthly basis.

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**MONTHLY CHILD SUPPORT OBLIGATION
WORKSHEET B - Shared Responsibility
[INSERT PROPERLY FORMATTED CAPTION FOR COURT]**

MONTHLY CHILD SUPPORT OBLIGATION

A. Gross Monthly Income and Percentage

	Custodial Parent	+	N o n - c u s t o d i a l Parent	=	Combined Column
1. Gross Monthly Income	\$ _____		\$ _____		\$ _____
2. Percentage of Combined Income (Each parent's income divided by combined income times 100)	_____ %		_____ %		100%

B. Computation of Basic Support

3. Number of Children for Whom Support is Sought					_____
4. Basic Support for Number of Children					\$ _____
5. Shared Responsibility Basic Obligation (Line 4 x 1.5)					\$ _____
6. Each Parent's Share (Line 5 x each parent's percentage from Line 2)	\$ _____		\$ _____		
7. Number of 24 Hour Days With Each Parent (Must Total 365)	_____	+	_____	=	365
8. Percentage of Year With Each Parent (number of days divided by 365 and multiplied by 100)	_____ %	+	_____ %	=	100%
9. Amount Retained (Line 6 x Line 8 for each parent)	\$ _____		\$ _____		
10. Each Parent's Obligation (Subtract Line 9 from Line 6)	\$ _____		\$ _____		
11. Amount Transferred (Subtract smaller amount on Line 10 from larger amount on Line 10.) Parent with larger amount on Line 10 pays the other parent the difference.					\$ _____

1	C. Additional Support Costs				
2	12. Children's Health and Dental Insurance Premium	\$	+	\$ _____	= \$ _____
3	13. Work Related Child Care	\$ _____	+	\$ _____	= \$ _____
4	14. Extraordinary Costs	\$ _____	+	\$ _____	= \$ _____
5	15. Total Additional Support Costs	\$ _____	+	\$ _____	= \$ _____
6					
7	16. Each Parent's Obligation (Combined column Line 15 x each parent's Line 2)	\$ _____		\$ _____	
8					
9	17. Amount Transferred (Subtract each parent's Line 16 from his Line 15). Parent with a negative number pays that amount to the other parent.	\$ _____		\$ _____	
10					
11					

12 **D. Net Amount Transferred**

13 18. Combine Lines 11 and 17 by addition if same parent pays on both lines, otherwise by subtraction. \$ _____

14

15

16 Custodial Parent's Signature _____ Date

17 Non-custodial Parent's Signature _____ Date

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**SHARED RESPONSIBILITY
INSTRUCTIONS FOR WORKSHEET B**

Line 1. Gross Monthly Income:

Includes all income, except TANF, food stamps and supplemental security income. See text for allowed deductions from income. Use current income if steady. If income varies a lot from month to month, use an average of the last twelve months, if available, or last year's income tax return. Add both parents' gross incomes and put total under the combined column.

Line 2. Percentage of Combined Income:

Divide each parent's income by combined income and multiply by 100 to get that parent's percentage of combined income.

Lines 3 and 4. Basic Support:

Fill in the number of children on the worksheet (Line 3). Round combined income to nearest fifty dollars (\$50). Look at the basic child support schedule. In the far left-hand column of that schedule, find the rounded combined income figure. Read across to the column with the correct number of children. Enter that amount on Line 4.

Line 5. Shared Responsibility Basic Obligation:

Multiply the basic obligation on Line 4 by 1.5.

Line 6. Each Parent's Share:

Multiply the support amount on Line 5 by each parent's percentage share on Line 2, and enter each parent's dollar share under that parent's column on Line 6.

Line 7. Each Parent's Time of Care for Children:

Enter the number of twenty-four-hour days of responsibility that each parent has each child in a year according to the parenting plan.

Line 8. Percentage of Twenty-Four-Hour Days With Each Parent:

Divide each parent's number of twenty-four hour days (Line 7) by three hundred sixty-five and multiple by 100 to obtain a percentage.

Line 9. Amount Retained:

Under shared responsibility arrangements, each parent retains the percentage of the basic support obligation equal to the number of twenty-four-hour days of responsibility spent by each child with each respective parent divided by three hundred sixty-five. Multiply each parent's share of basic support (Line 6) by the percentage in that parent's Line 8 and enter the result on that parent's Line 9. This is the amount that each parent retains to pay the children's expenses during that parent's periods of responsibility.

Line 10. Each Parent's Basic Obligation:

Subtract the amount retained by each parent for direct expenses (Line 9) from that parent's basic obligation (Line 6) and enter the difference on that parent's Line 10.

Line 11. Amount Transferred for Basic Support:

In shared responsibility situations, both parents are entitled not only to retain money for direct expenses but also to receive contributions from the other parent toward those expenses. Therefore, subtract the smaller amount on Line 10 from the larger amount on Line 10 to arrive at a net amount transferred for basic support.

Line 12. Children's Health and Dental Insurance Premium:

Enter the cost paid by a parent for covering these children with medical and dental insurance

1 under that parent's column on Line 12. Add costs paid by each parent and enter under the
2 combined column on Line 12.

3 **Line 13. Work-Related Child Care:**

4 Enter the cost paid by each parent for work related child care. If the cost varies (for example,
5 between school year and summer), take the total yearly cost and divide by twelve. Enter each
6 parent's figure in that parents column on Line 13. Add the cost for both parents and enter in
7 combined column on Line 13.

8 **Line 14. Additional Extraordinary Costs:**

9 Enter the amounts paid by each parent for any extraordinary medical, dental, counseling,
10 educational expenses children incurred on behalf of the children, and transportation and
11 communication expenses necessary for long distance visitation or time sharing. Add the cost for
12 both parents and enter in the combined column on Line 14. For initial establishment of child
13 support, there is no recoupment of past extraordinary costs. For modifications of child support,
14 extraordinary costs may be recouped.

15 **Line 15. Enter Total of Lines 12, 13 and 14:**

16 For each parent, total the amount paid by each parent for insurance, child care and additional
17 expenses (Lines 12, 13 and 14). Enter total in that parent's column on Line 15 and the total of
18 both parents' expenses under the combined column on Line 15.

19 **Line 16. Each Parent's Obligation:**

20 Multiply the total additional payments (combined column on Line 15) by each parent's
21 percentage share of income on Line 2, and enter each parent's dollar share of the additional
22 payments on each parent's Line 16.

23 **Line 17. Amount Transferred:**

24 Subtract each parent's obligation for additional expenses (that parent's Line 16) from the total
25 additional payments made by that parent (that parent's Line 15). The parent with a "Minus"
26 figure pays the other parent the amount on Line 17.

27 **Line 18. Combined Lines 11 and 17:**

Combine the amount owed by one parent to the other for basic support (Line 11) and the amount
owed by one parent to the other for additional payments (Line 17). If the same parent owes for
both obligations, add Lines 11 and 17, and enter the total on Line 18. If one parent owes for
basic support and other owes for additional payments, subtract the smaller amount from the
larger and enter on Line 18. Fill in the blanks by stating which parent pays and which parent
receives the net amount transferred.

1 IN THE HOPI TRIBAL COURT
2 HOPI JURISDICTION
3 KEAMS CANYON, ARIZONA

4 _____, C# _____)
5 Petitioner,)
6 -vs-)
7 _____, C# _____)
8 Respondent.)

**ORDER OF GARNISHMENT
OF WAGES**

9 To: _____
10 _____
11 _____
12 (Employer)

13 1. The Respondent, _____, having been
14 found liable for child support in this matter, you are hereby ordered to garnish _____ each
15 month from his wages and forward it to the Hopi Child Support Registry, Hopi Tribal Court,
16 P.O. Box 156, Keams Canyon, AZ, 86034, (520) 738-5171 in fulfillment of this child support
17 obligation.

18 2. An automatic payroll deduction mechanism shall be instituted so that this amount
19 shall be forwarded by the first of each month following any month during which the Respondent
20 was in your employ and is entitled to this amount in compensation for his or her work.

21 3. If the first of the month immediately following the receipt of this order occurs
22 before Respondent is entitled to receive the full amount set forth here, you may forward only
23 that portion to which the Respondent is entitled, accompanied by a brief statement as to why the
24 full amount is not present.

25 4. You shall not discriminate or take any adverse action against Respondent as a
26 result of such garnishment.

27 5. You may deduct a reasonable amount from the forwarded amount to cover your
costs in complying with this Order. This amount shall not exceed five dollars, and must be

1 justified by a writing presented to the Registry.

2 6. If Respondent leaves your employ or the compensation for his or her employment
3 changes, you shall notify the Hopi Child Support Registry of such change within ten working
4 days.

5 7. You must give recognition to this order even if you are not located within the
6 exterior boundaries of the Hopi Reservation. A.R.S. § 25-646 and N.M.S.A. § 40-6A-501.

7 9. Failure to comply with this Order may result in a finding of contempt of court.

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Judge, Hopi Tribal Court

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1 IN THE HOPI TRIBAL COURT
2 HOPI JURISDICTION
3 KEAMS CANYON, ARIZONA

4 _____, C# _____)

5 Petitioner,)

6 -vs-)

7 _____, C# _____)

8 Respondent.)

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**SUBPOENA FOR PRODUCTION
OF DOCUMENTS AND THINGS**

To: _____

You are hereby **ORDERED** to produce the following documents concerning the above captioned case to _____ on or before the ____ day of _____, 199 .

Such documents shall be produced as kept in the ordinary course of business at the following location:

The following documents shall be produced:

(Examples: Federal and state income tax returns; wage statements or pay stubs; medical or dental insurance policies; any other records showing past and current earnings; records of sales of arts and crafts or other self-employment; Indian gaming winnings; any other records showing past and current earnings.)

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Failure to obey this subpoena may make you liable to prosecution and a warrant may be issued for your arrest.

Dated this _____ day of _____, 199__.

Clerk, Hopi Tribal Court

RETURN OF SERVICE

Received this _____ day of _____, 199__
I have this _____ day of _____, 199__ served a copy of this
subpoena to: _____ at _____
OR: I attempted to serve this subpoena on _____
_____, 199__ and _____, 199__ and have been unable to serve this
subpoena because _____

Date _____
Name and Title _____

1 IN THE HOPI TRIBAL COURT
2 HOPI JURISDICTION
3 KEAMS CANYON, ARIZONA

4 _____, C# _____)
5 Petitioner,)
6 -vs-)
7 _____, C# _____)
8 Respondent.)
9 _____

**ORDER TO APPEAR FOR
GENETIC TESTING**

10 To: _____
11 _____
12 _____

13 You are hereby **ORDERED** to appear for genetic testing at _____
14 _____ on or before the ____ day of _____, 199__
15 (at least 10 working days after date of service) to determine whether you are the father of the
16 following child or children:

17 NAME	DATE OF BIRTH	CENSUS #
18 _____	_____	_____
19 _____	_____	_____
20 _____	_____	_____
21 _____	_____	_____

22 If such genetic testing results in a finding that you are the father of these children, you
23 will be liable for the costs of such testing.

24 If you believe that you are the father of these children, you may avoid such testing by
25 instead signing a Voluntary Declaration of Paternity. A form Declaration is attached.

26 Failure to comply with this order may make you liable to prosecution and a warrant
27 may be issued for your arrest.

Dated this _____ day of _____, 199__ .

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JUDGE, Hopi Tribal Court

1 IN THE HOPI TRIBAL COURT
2 HOPI JURISDICTION
3 KEAMS CANYON, ARIZONA

NO: _____

PETITION FOR ESTABLISHMENT
OF CHILD SUPPORT AND
PARENTAGE

4 _____, C# _____

ADDRESS: _____

5 SSN: _____

Petitioner

6 v.

7 _____, C# _____

8 SSN: _____

Respondent.

9 AND CONCERNING

10 _____, C# _____

11 DOB: _____

12 SSN: _____

13 Minor child

14 _____, C# _____

15 DOB: _____

16 SSN: _____

Minor child

17 Petitioner _____ states her cause of action as follows:

18 1. The Petitioner _____ and the minor child(ren) reside at _____

19
20 2. (If applicable): The Petitioner and/or the minor child(ren) are enrolled members of the
21 _____ Tribe.

22 3. To the best of Petitioner's knowledge, Respondent lives at _____
23 ; and his or her mailing address is _____

24 . (If applicable): Respondent is a member of the _____ Tribe.

25 4. (If applicable): Respondent and Petitioner were married from _____

26 to _____

27 5. As a result of the relationship between Petitioner and Respondent the child(ren) named
here was/were born:

1 NAME

DATE OF BIRTH

CENSUS #

2 _____
3 _____
4 _____
5 6. The Respondent is the father of the child(ren); he has has not acknowledged his
6 paternity of the child(ren).

7 7. (If paternity not established and parties not in marriage recognized by license during
8 conception:) Attached is the following evidence of the paternity of the Respondent:

- 9 Birth Certificate
- 10 Voluntary Declaration of Paternity
- 11 Results of genetic tests
- 12 Other _____

13 8. Petitioner's income is _____ from _____ employment, TANF, etc. _____

14 9. The Respondent has not provided adequate support for his child(ren) and he is capable of
15 providing such support.

16 10. Respondent has the following sources of income from which he could provide support
17 for his children (wages, self employment, farming, disability insurance, pension, etc.):

18 _____
19 _____
20 _____
21 _____

22 11. In addition to the normal costs of child-rearing, the Petitioner now bears the following
23 costs:

- 23 _____ for the children's health care and dental insurance premiums.
- 24 _____ for child care necessary to permit the Petitioner to work.
- 25 _____ for the following necessary extraordinary costs: (include, for
26 example, necessary medical costs, education costs, or costs of transportation for
27 visitation between parents sharing custody) _____

1 _____
2 _____
3 WHEREFORE, Petitioner asks this Court to:

- 4 1. Declare the Respondent to be the father of the named minor child(ren).
5 2. Order the Respondent to pay child support in the amount of \$_____ per month.
6 3. Order the Respondent to pay a reasonable sum for Petitioner's costs and expenses incurred
7 in maintaining this matter.
8 4. (If applicable:) Order the Respondent to undergo genetic testing to establish his paternity
9 of said children.
10 5. Order such other and further relief as it deems proper under the circumstances.

11 DATE: _____

_____ PETITIONER'S SIGNATURE

12 _____
13 PRINT NAME

14 If child or parents are members of a village:

15 I hereby certify that a copy of the forgoing petition was filed with following person:

16 (Name and Address of Kikmongwi or other leader of Village of the child)

17 _____
18 _____
19 _____

20 on this _____, of _____, 199_ by _____ (U.S. Mail, Personal Delivery to leader or person at office of leader, etc.)

_____ with the following statement:

21 The Hopi Tribal Court does not have original jurisdiction over this matter
22 pursuant to Article III, Section 2, of the Hopi Constitution. Your village may
23 choose to handle this matter by the way traditional to your village; request the
24 services of the Hopi Tribal Court to assist you in your processing of this matter;
25 intervene in this action; or delegate jurisdiction to the Hopi Tribal Court. The
26 deadline for your reply stating the decision of the village is (20 days from date
27 of filing).

By: _____

Date: _____

1 **VOLUNTARY DECLARATION OF PATERNITY / MATERNITY**

2 **I. PARTIES AND TERMS**

3 Name(s) of Child(ren) whose parentage is at issue:

4 NAME	DATE OF BIRTH	CENSUS #
5 _____	_____	_____
6 _____	_____	_____
7 _____	_____	_____
8 _____	_____	_____

9 Name of child(ren)'s natural mother: _____

10 Name of child(ren)'s natural father: _____

11
12 Name of non-parent with legal custody of child(ren): _____

13 **II. DECLARATION AND ADMISSION**

14 I, _____, am the [] father [] mother of the
15 child(ren) listed above. I make this declaration and admission voluntarily, and not under duress,
16 coercion or threat by any other person or party. I understand that this declaration and admission
17 is legally binding and is treated the same as a judicial declaration of my paternity or maternity.

18 I have read and understood the above agreement.

19 _____
20 Signature

_____ Date

21 STATE OF ARIZONA)
22 County of _____) : ss

23 Signed and sworn to before me this ____ day of _____, 19____.

24 **NOTARY PUBLIC**

25 **MY COMMISSION EXPIRES:**

26 _____
27

1 IN THE HOPI TRIBAL COURT
2 HOPI JURISDICTION
3 KEAMS CANYON, ARIZONA

NO: _____

NOTICE OF DELINQUENCY

3 _____, C# _____
4 ADDRESS: _____

5 SSN: _____

Petitioner

6 v.

7 _____, C# _____

8 SSN: _____

9 Respondent.

10 AND CONCERNING

11 _____, C# _____

12 DOB: _____

13 SSN: _____

Minor child

14 _____, C# _____

15 DOB: _____

16 SSN: _____

Minor child

17 COMES NOW the Petitioner and provides notice to the Respondent that he/she is at
18 least one month delinquent in his/her child support obligation and requests that this Honorable
19 Court order his/her income withheld to ensure future compliance with that obligation. In
20 support of which request Petitioner offers the following:

21 1. On _____ Respondent was ordered to pay _____ per month for
22 the support of his/her children. Copy of Order attached.

23 2. Respondent has not paid any child support since _____, and
24 is now \$ _____ delinquent in his/her child support obligation.

25 3. To avoid immediate income withholding the Respondent must within twenty days of
26 service of this notice file a motion to stay withholding providing evidence of one of the
27 following:

1. That Petitioner is wrong regarding the existence or the amount of the delinquency;

1 2. That this request does not comply with the Hopi Parental Responsibility Ordinance;

2 3. That Respondent has paid the delinquent amount since the filing of this notice;

3 4. That Petitioner and Respondent have agreed on an alternative method of payment.

4 4. If Respondent does not file such a motion within twenty days of service, this Court must
5 issue an order that _____, located at _____
6 _____, garnish Respondent's wages or other income owed to Respondent in the amount
7 of \$_____ per month, the amount of his/her child support obligation.

8 5. Petitioner further requests that this Court order that an additional —(twenty percent of child support
9 obligation)— per month be garnished until the past delinquency has been cured.

10 6. Petitioner verifies under penalty of perjury that the foregoing statements are true and
11 accurate to the best of his/her knowledge.

12 Respectfully submitted this _____ of _____,

13
14 _____
15 Petitioner

16 PROOF OF SERVICE

17 Copy of the foregoing served on Respondent by certified mail on _____,
18 _____ A copy of the return receipt is attached.

19 by: _____
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ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF CHILD SUPPORT ENFORCEMENT

3443 N. CENTRAL 4TH FLOOR PHOENIX, ARIZONA 85013 (602) 274-7646 P.O. BOX 33460 PHOENIX, ARIZONA 85067

Fife Symington
Governor

Linda J. Blessing, DPA
Director

February 21, 1997

RECEIVED

FEB 25 1997

**THE HOPI TRIBE
CHAIRMAN'S OFFICE**

The Honorable Ferrell H. Secakuku
Chairman
The Hopi Tribe
P. O. Box 123
Kykotsmovi, Arizona 86039

Dear Chairman Secakuku:

Thank you for your letter of January 6, 1997. The Arizona Department of Economic Security (DES) Division of Child Support Enforcement (DCSE) is pleased to be working with representatives of the Hopi Tribe to enhance child support enforcement services for Hopi families.

A productive exchange of information occurred at our initial meeting with Marilyn Masayesva and other tribal representatives in Kykotsmovi on December 11, 1996, and some information has been provided in response to requests made at that meeting. I have recently had the opportunity to speak again with Ms. Masayesva; she was able to clarify my understanding of some of the questions posed in your letter.

Many of those questions relate to cases already opened on our statewide automated child support system in which the custodial parent lives on the Hopi Reservation, the non-custodial parent lives on the Hopi Reservation, or both parents live on the Hopi Reservation. On Friday, February 14, 1997, we produced a special report about such cases from the Arizona Tracking and Location Automated System (ATLAS). The report lists cases in which the custodial parent's address, the non-custodial parent's address, or both, are within one of the six zip codes provided in your letter (86030, 86039, 86042, 86043, 86034, and 86045). There are 3,032 such cases open on our system.

The report further categorizes cases by type and by child support function. We have two general case types: cases in which the custodial parent has been approved for benefits under the Temporary Assistance to Needy Families program (TANF, formerly the Aid to Families with Dependent Children program, AFDC) or another public assistance program; and cases in which the custodial parent is not receiving public assistance but has applied for our services (non-public assistance, or NPA, cases). Within the six zip codes, there are

1,191 TANF cases and 1,841 NPA cases. Cases are also categorized into one of the following five child support functions:

- Intake, the status assigned to cases in which we are requesting further information from the applicant or other jurisdictions;
- Paternity, cases in which the child is born outside of marriage;
- Establishment, cases in which paternity is established but in which there is no order obligating the non-custodial parent to pay child support to the custodial parent;
- Enforcement, cases in which paternity and a child support obligation are established, but the non-custodial parent is not paying child support; and finally
- Collection, cases in which child support payments are being received.

The following is the breakdown of the Hopi caseload by case function:

Intake	205
Paternity	2,049
Establishment	592
Enforcement	159
Collection	<u>27</u>
TOTAL	3,032

Given this background regarding Hopi cases, your questions and our responses are as follows:

1. Number of referrals that were made to the state from reservation based agencies that were not served due to jurisdictional issues.

The TANF cases within the Hopi caseload have been referred from the TANF program or another public assistance program. We do not keep a record of NPA cases in which a referral was made from another entity (such as a legal aid office).

All cases in which the non-custodial parent lived and worked in non-reservation territory were served. Cases in which the non-custodial parent lived or worked on the Hopi Reservation have been served to the degree possible, given the jurisdictional barriers which exist. A case-by-case analysis is necessary to determine the specific cases in which jurisdictional barriers prevented DCSE or the Navajo County Attorney from providing complete services.

2. Number of clients and children per case, that were referred but not served by the state due to jurisdictional issues.

Each of the 3,032 cases has one custodial parent and one non-custodial parent. Our initial programming for this special report did not ask for the number of children associated with the 3,032 cases. I have requested this information, and will forward it when it is received. Please see our response to question #1 regarding the degree to which cases have been served.

3. Number of self referrals from the Hopi Reservation that were served or not served.

An application was filed by the custodial parent in many of the 1,841 Hopi NPA cases; these are self referrals (some of the NPA cases are former TANF cases, which were referred automatically and became NPA cases when the non-custodial parent left welfare). Please see our response to question #1 regarding the degree to which cases have been served.

4. The outcomes of the cases that were served by the state and length of participation of each.

We characterize the outcomes of the 3,032 cases by their function, as noted above. Another measure of success is the dollars collected on the 27 collection cases; I will ask for this amount.

As Ms. Masayesva and I have discussed, programming to enable ATLAS to calculate the length of time cases remain in particular functions is not yet completed.

5. What is the state share and what is the federal share dollar of each case that was served.

Administrative expenses in the Title IV-D child support enforcement program are generally funded by the federal government at the rate of 66% of expenses, with the state or local agency funding 34% of expenses.

Collections for current child support are distributed to the family in NPA cases, and to the family, the federal government and the state or local government in TANF cases (the particular distribution of collections is determined on a case-by-case basis by ATLAS). Child support arrears payments are distributed to the family, the federal and state governments based on various federal requirements.

6. *What is the estimated state share dollar and what is the federal share dollar of each case that was not served.*

The expenses associated with any case which has been served are shared between the federal government at the rate of 66% and DCSE or the Navajo County Attorney at the rate of 34%. If a case has not been served, no funds have been expended and there is no federal or state share of participation in funding for that case.

Please see our answer to question #5 regarding the distribution of child support collections.

7. *Specify function of each case (e.g. paternity or child support or both).*

Please see the explanation of case types and categories above.

8. *What specific information is needed from each client in order to meet Title IV-D requirements? Send sample application packet.*

Different information is required depending on whether the case is in the paternity, establishment or enforcement function. A sample packet is attached, including the requests for any information we might need.

9. *The Hopi Tribe would also like information about the State computerized data base and computer hardware/software requirements.*

The Family Support Act, passed by Congress in 1988, required all 54 states and territories with child support programs to automate their caseloads to federal standards by October 1, 1995. Because only one state had met federal certification requirements by that date, Congress extended the certification deadline to October 1, 1997. Arizona became the sixth state to achieve federal certification of our automated system in March, 1996. Fewer than one-third of the states have certified systems as of today.

The development of a certified automated child support enforcement system is extremely difficult, time consuming and expensive. ATLAS cost over \$30-million and took three years to develop. We estimate the changes to ATLAS required by the welfare reform act will cost another \$3- to \$5-million. ATLAS contains over 300 on-line screens, 150 batch programs and 1.5 million lines of computer programming code. One of the most difficult aspects of the development of these systems is creation of the financial subsystem (payment posting, distribution, disbursement, and reporting). Another difficult task is the two-way interface with the TANF automated system (case demographics, public assistance grants and child support payments must be shared between the TANF and child support programs).

The Department looks forward to continuing to work together with the Hopi Tribe to improve child support enforcement services to its members. Please contact me if I can be of further assistance.

Sincerely,



Patrick F. Harrington
Deputy Assistant Director

c: Marilyn Masayesva
Staff Assistant
Office of the Vice Chairman
Hopi Tribe

Mike Espino
Deputy County Attorney
Navajo County

Malena Albo
Assistant Director
Division of Aging and Community Services
Department of Economic Security

Attachment

HOPI PARENTAL RESPONSIBILITY ORDINANCE PUBLIC REVIEW & COMMENT

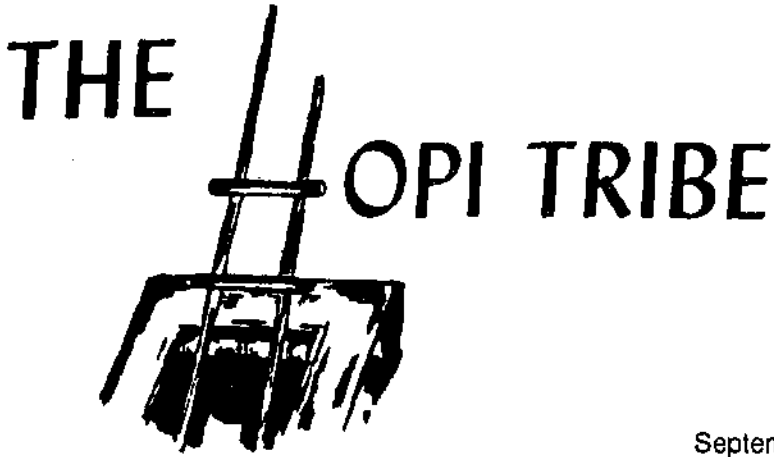
The following provides a record of the villages, groups and individuals who were consulted and provided an opportunity to review and comment on the proposed ordinance.

November 11, 1997	Hopi Elderly Committee
May 7, 1997	Hopi CHR Staff Meeting
May 20, 1997	Moencopi Village
May 21, 1997	Hopi Cultural Resources Advisory Team
June 3, 1997	Shungopavi Village
June 23, 1997	Kykotsmovi Village
June 30, 1997	Mishongnovi/Shungopavi Villages
August 13, 1997	Indian Health Service Staff Meeting
	Safe Ride Staff Meeting
	Hopi Enrollment Staff Meeting
	Ponsi Hall, Polacca Village
August 20, 1997	Moencopi Village
September 4, 1997	Old Oraibi Village
September 9, 1997	Bacavi Village
September 23, 1997	General Public Meeting @ Bacavi
Fall 1997	First Draft Published in the Hopi Tutuveni
10/18/97	Request for Review & Comment – Hopi Tribal Court
4/11/97	Request for Review & Comment – Hopi Cultural Preservation Office
4/11/97	Request for Review & Comment – Hopi Enrollment Office
4/18/97	Request for Review & Comment – Office of Legal Counsel
4/18/97	Courtesy copy to the Hopi Tribal Council (4/10/97 Draft)

Distribution of 4/10/97 Draft of the proposed Ordinance:

Hopi Tribal Council	19	Shipautovi Village	15
Office of Legal Counsel	2	Shungopavi Village	30
Enrollment Department	6	Kykotsmovi Village	15
Hopi Women's Coalition	40	Hotevilla Village	15
Safe Ride Program	10	Bacavi Village	20
Hopi Police Department	30	Moencopi Village	35
Hopi Elderly Committee	60	Hopi High School	30
Hopi Tribal Court	22		
Hopi Prosecutor	5		
DNA Legal Services	4		
Hopi Bar	7		
Village Board of Directors	9		
Indian Health Service	122		
Bureau of Indian Affairs	20		
Ponsi Hall	23		
Mishongnovi Village	11		
Polacca Community	15		

8/9/97



Ferrell H. Secakuku
CHAIRMAN

Wayne Taylor, Jr.
VICE-CHAIRMAN

September 23, 1997

Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

Honorable Council Members:

This letter is to express my support for passage of the Hopi Parental Responsibility Ordinance.

Recently, in dealing with issues facing the Hopi youth such as gangs, drugs, alcohol, and delinquency, I have begun to see a common thread in the causes of these problems. The common thread is effective parenting. In today's society many individuals have forgotten or shrugged their responsibility to the children that they bring into this world. Growing up without the emotional and financial support and love of both parents often leaves permanent scars on a child. It is these scars that are often the causes of rebellious attitudes in the youth further leading to participation in negative activities. Unfortunately, it will take legislation such as the Hopi Parental Responsibility Ordinance to awaken and remind our people of their obligations to our children.

It is my sincere hope that in the future this type of legislation will not be needed, however, today we must deal with the issues and individuals involved in a strong and effective manner. I encourage the Hopi Tribal Council to send a strong message to the Hopi people by unanimously approving passage of the Hopi Parental Responsibility Ordinance. Your support will be appreciated by the children of today and of those to come.

Respectfully,

LuAnn Leonard
LuAnn Leonard, Director
Office of Youth Affairs

xc: file

VOTE YES ON THE HOPI CHILD SUPPORT ENFORCEMENT ACT!

We, the undersigned, urge the Hopi Tribal Council to pass the proposed Hopi Child Support Enforcement Ordinance.

Name	Village
Sharon R. Carl	Polacca
Norma Grace	Shungopavi
Monica L. Oso	Shungopavi
Anna Tomatad Livo	Shungopavi
Maissa Sedakuba	Shungopavi
Ellen Proskop	Polacca
Suzie Ventille	Newry (Low Mtn)
Mary Martinek	Polacca
Ting Buchenauer	Shungopavi
Lila Nicholson	Polacca
Kathleen Whelton	Hotavilla
Patricia Embler	Moenkapi
Charles Paul	Navajo
Mary Ann Wazyle	Tiddie R
Gladys Nanyaktewa	Mushongopavi
Laura Navaser	Walpi
Iva Naminche	Polacca
Madame M. Dando	Polacca
Darlene Harris-Huam	Shungopavi
Dana Pool	Shungopavi
Charlotte Dixon	Polacca
Jesse Maize	
Marakema Lomayakteaw	Shungopavi
Kermita Kolistewa	Hotavilla
Madame Grace	Shungopavi
Marilyn Masayon	Bacavi

PETITION

We, the undersigned, support the proposed "Hopi Parental Responsibility Ordinance" and urge the Hopi Tribal Council to pass the legislation for the improvement in the quality of life for Hopi Children.

NAME

ADDRESS

Nella M. Siewersmeyer

Box #1212 Keams Canyon, AZ

Julius Lee RN

Box 808, Polacca AZ 86042

Karon Austhaus

Box 1288 Keams Canyon AZ

Standa Bedone

Box 577 Keams Canyon AZ

Clara Judy, me

Box 1201, Keams Canyon, AZ

Diane Sabers

Box 1078 Keams Canyon AZ

Indira J. Siewersmeyer, a

P.O. Box 606 Keams Canyon, AZ 86034

Jacqueline Howard

Box 1394 Keams Canyon AZ 86034

John B. Ayoub RN

P.O. Box 1246 Keams Canyon, AZ 86034

Helen Balew RN

PO Box 1101 Keams Canyon, AZ 86034

John M. Baker RN

PO Box 1103 KEAMS CANYON AZ 86034

Rose Kinship RN

P.O. Box 979 Keams Canyon AZ 86034

Caritta J. Shwama

Box 256, Polacca, AZ 86042

Blank lines for additional signatures and addresses.

PETITION

We, the undersigned, support the proposed "Hopi Parental Responsibility Ordinance" and urge the Hopi Tribal Council to pass the legislation for the improvement in the quality of life for Hopi Children.

NAME	ADDRESS
<i>Antonita Albert</i>	<i>PO Box 98, Keams Canyon, AZ 86034</i>
<i>Kathleen Sage</i>	<i>" " " " "</i>
<i>Danny Sage</i>	<i>" " " " "</i>
<i>Jack Sage</i>	<i>" " " " "</i>
<i>George Mable</i>	<i>" " " " "</i>
<i>Jason "Pat" Shea</i>	<i>" " " " "</i>
<i>Annalyn Gutierrez</i>	<i>P.O. Box 98, K.C. AZ 86034</i>

VOTE YES ON THE HOPI CHILD SUPPORT ENFORCEMENT ACT!

We, the undersigned, urge the Hopi Tribal Council to pass the proposed Hopi Child Support Enforcement Ordinance.

Name

Village

Anna Mae
Belva Starkins
Lisa M. Namoli
Eloise Krommestava
Katherine Nabaluku

Sipaulovi
Sipaulovi
Polacca, Ariz
Tewa Polacca Ariz
Polacca, Ariz

PETITION

We, the undersigned, support the proposed "Hopi Parental Responsibility Ordinance" and urge the Hopi Tribal Council to pass the legislation for the improvement in the quality of life for Hopi Children.

NAME

ADDRESS

Dann Koyezava POB 339 Kyalatsumovi, AZ 86039

Lined area for additional signatures and addresses.