

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE CONCURRENT RESOLUTION NO. 3001
(Legislative Council)
(Budget Committee on Human Services)

A concurrent resolution directing the Legislative Council to study the legal and enforcement issues relating to child support collections on Indian reservations, including state and tribal court jurisdictions, recognition of income withholding orders, and logistics involved in transferring child support collected to custodial parents.

WHEREAS, the state of North Dakota has limited jurisdiction on Indian reservations and seeks to resolve problems and issues between the two governments in a respectful and trusting manner; and

WHEREAS, some tribal entities do not recognize child support income withholding orders unless issued from a tribal court; and

WHEREAS, separate child support payment records may be maintained by the State of North Dakota and a sovereign Indian Nation, creating the potential for unnecessary collection activities and delays in transferring child support collected to custodial parents; and

WHEREAS, federal regulations recently have been adopted providing for direct funding of tribal child support enforcement programs; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the legal and enforcement issues relating to child support collections on Indian reservations, including state and tribal court jurisdictions, recognition of income withholding orders, and logistics involved in transferring child support collected to custodial parents; and

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State