

TITLE ____ - FAMILY AND DOMESTIC RELATIONS

This Title is authorized and immediately effective by the passage of Resolution 18-03 enacted by the Delaware Tribal Council on January 23, 2018.

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ARTICLE 1. GENERAL PROVISIONS

1-101 Authority.

This Title shall be referred to as the Family and Domestic Relations Code and is adopted pursuant to the authority vested in the Delaware Tribe of Indians Tribal Council as the duly elected governing body of the Delaware Tribe of Indians, a federally recognized Indian Tribe.

1-102 References to this Title of the Delaware Tribe of Indians Law and Order Code.

This title of the Delaware Law and Order Code may be referred to as the “Delaware Tribe of Indians Family and Domestic Relations Code,” or where the context suitably identifies it as the “Family and Domestic Relations Code.”

1-103 Prior Ordinances Repealed.

All resolutions or other enactments of the Tribal Council that conflict with the provisions of this Title is hereby repealed to the extent of such conflict.

1-104 Jurisdiction.

Territorial jurisdiction, subject matter jurisdiction and personal jurisdiction shall be in accordance with the Delaware Tribe of Indians Law and Order Code.

1-105 Continuing Jurisdiction.

1. Upon determination by the Court that jurisdiction exists in matters addressed by this Title, the Court may retain jurisdiction over all issues so long as outstanding issues remain between the parties.
2. Consents, once given, may not be withdrawn. A person requesting affirmative relief in writing is deemed to have consented to the jurisdiction of the Court, whether plaintiff or defendant.

ARTICLE 2. MARRIAGE

2-101 Actions Available Under This Chapter; Remedies.

- A. Actions available under this Article include actions for divorce, annulment, legal separation, or custody. Appropriate remedies regarding divorce, annulment, custody of minor children, separate maintenance and division of property, and debt shall be available as provided in this Title.
- B. The jurisdiction established consistent with any purpose of this Act shall provide the Court jurisdiction to settle all claims made between the parties.

2-102 Definition of Marriage, Common Law Marriage.

- A. “Marriage” means a personal relationship in which two people enter a consensual and contractual relationship as recognized by law.
- B. “Common Law Marriage” means a personal relationship arising out of tribal customs and traditions or from common laws of a tribe, state, or nation wherein the union was entered with the intent of being married.

2-103 Prohibited Marriages.

A. The Court shall not recognize marriages which are prohibited by the laws of the Delaware Tribe of Indians. Marriages that are prohibited include those between ancestor and descendant; relationships of the first degree of consanguinity; first cousins; bigamous; instances where one party is weak-minded; unsound mind, or under the influence of alcohol or drugs; or induced by fraud or duress.

1. Persons related within the first degree of consanguinity are prohibited. Bigamy and polygamy are expressly prohibited as well.
2. In order to marry, a person must have the same legal capacity necessary to enter into a contract, provided that no person under the age of 18 shall enter into a marital relationship except upon the consent and authority expressly given by the parent or guardian of such underage individual.
 - a. Incapacity means that a spouse is unable to formulate the requisite understanding of the consequences and nature of the relationship.
 - b. Persons under the influence at the time of entering the marriage shall be deemed to lack capacity to be married.
3. Duress, coercion or fraud shall render a marriage invalid, provided that the person seeks annulment at the time of the discovery of the untruthfulness that precipitated the marriage. The right to an annulment on the grounds of duress, coercion or fraud is waived if the individual willingly continues the marriage after discovering the untruthfulness.
4. No marriages shall be contracted while either of the parties is lawfully married to another person.
5. Persons may not marry where there exists a lawful objection or insurmountable impediment as perceived by the Court.
6. No person who is or has been a party to an action for divorce in any court may marry again until six (6) months after judgment of the divorce is granted, and the marriage of any such person solemnized before the expiration of six (6) months from the date of the granting of judgment of divorce shall be void.

2-104 Marriage License.

A marriage license shall be issued by the Delaware Tribe of Indians Court upon receiving a completed application form from unmarried persons and in the absence of any showing that the proposed marriage would be invalid under any provision of this Title.

2-105 Fee.

A fee of \$40.00 shall be charged for the issuance of a marriage license.

2-106 Solemnization of Marriage Contract.

A marriage shall be validly solemnized and contracted by a Delaware Tribe of Indians' Judge, in the presence of at least two competent adult witnesses, after the issuance of license and by the mutual declarations of the two parties involved that they agree to become husband and wife.

2-107 Grounds for Annulment or Voidable Marriage.

A marriage may be voided or annulled by the Court for any one of the following reasons upon the application of one of the parties to the marriage:

- (1) When either party to the marriage was incapable of consenting thereto.
- (2) When the consent was obtained by force or fraud.

(3) When either party was, at the time of the marriage, incapable of consummating the marriage and the incapacity is continuing.

(4) Any other grounds consistent with the laws of these Codes and for which the Court makes a specific finding that the marriage is void for cause and an annulment is the appropriate remedy in law.

ARTICLE 3. DIVORCE AND CHILD CUSTODY

3-101 Grounds for Dissolution of Marriage.

The Court may grant a dissolution of marriage on the grounds of irreconcilable differences between the parties when either party is a resident of Delaware Tribe of Indians territory for at least six (6) months or is a member of the Delaware Tribe of Indians who has resided within the States of Oklahoma or Kansas for at least six (6) months.

3-102 Petition; Response; Summons.

A. Actions for a dissolution of marriage shall be initiated by the filing of a petition by either party of the marriage.

1. The Petition for dissolution of marriage must contain sufficient information which will allow the Court to ascertain the true and correct identity of the parties, length of marriage, the existence of children as well as their exact identity and age, whether the wife is currently pregnant, existing property and debt, and the grounds upon which relief is sought.

2. The Petition shall include a relief for request.

3. The Petition shall include an allegation of irreconcilable differences which render the dissolution of marriage unavoidable.

4. There shall be a declaration as to whether there is currently pending an action for divorce or legal separation by either party in any other court.

5. The person requesting relief shall be required to verify the petition under oath and subject to the penalties of perjury.

B. Actions for dissolution may be brought jointly or separately. If brought jointly, both parties shall verify the petition under oath and subject to the penalties of perjury. If the action is brought by one party against the other, the responding party shall have 20 days after the date of service to file a response to the Petition for Dissolution or file a counterclaim. Responsive pleadings or counterclaims shall be served immediately upon the Petitioner.

C. Upon initiation of the dissolution of marriage action, a Summons shall be issued by the Court Clerk and shall be served upon the responding party. The Summons shall be returned for filing upon completion of service of process.

3-103 Temporary Orders During Pendency of Divorce or Separate Maintenance Action.

A. After an action for dissolution of marriage or separate maintenance has been filed, either party may request the Court to issue:

1. A temporary order:

a. regarding child custody, support, or visitation.

b. regarding spousal maintenance.

c. regarding the disposition or possession of property.

d. regarding maintenance of debt.

e. regarding attorney fees.

- f. enjoining a party from molesting or disturbing the peace of the other party or child.
 - g. excluding a party from the family home or from use of specific property.
 - h. enjoining a party from removing a child from the jurisdiction of the Court.
 - i. providing any other injunctive relief the Court deems necessary in consideration of the circumstances.
- a. All applications for temporary orders shall set forth the factual basis for the application and shall be verified by the party seeking relief.
 - b. Notice of hearing for temporary orders shall be served upon the responding party with no order being entered for a period of at least five (5) days, unless such testimony or evidence is sufficient to warrant an emergency order; provided, that an emergency order shall be effective for a period of no more than ten (10) days before a temporary order hearing is held. An emergency order may be extended for good cause if both parties agree to the extension of time.
- B. Temporary orders may be vacated or modified prior to or in conjunction with a final decree on a showing by either party of the facts necessary for vacation or modification. Temporary orders terminate upon the final judgment.
- C. Upon the final order being entered, the Court may require either party to pay such reasonable expenses of the other as may be just and proper under the circumstances.

3-104 Pleadings, Defenses and Objections; Motions.

All pleadings seeking application of the Court, providing defenses and/or objections, or motions requesting specific relief shall be filed in accordance with the provisions enumerated in the Delaware Tribe of Indians Civil Code.

3-105 Notice of Action.

Every person against whom an action is filed, or relief sought, shall be entitled to due process including notice and the opportunity to respond. Such notice shall be perfected in accordance with the Delaware Tribe of Indians Civil Code.

3-106 Answer May Allege Cause or New Matters; Verified Signature Required.

The respondent, in his or her answer, may allege a cause or new matters against the plaintiff, and may be entitled to the same relief as if he or she were the petitioner. When a cause or new matter is alleged in the answer, the answer shall be verified under oath and subject to the penalties of perjury.

3-107 Divorce, Separate Maintenance and Annulment Cases; Waiting Period; Waivers; Exceptions.

A. No divorce, separate maintenance or annulment shall be heard on its merits until the petition shall have been on file for at least ten (10) days if there are no minor children or at least ninety (90) days if there are minor children.

1. An exception to the waiting period shall be allowed if an emergency is duly shown by application, both parties agree, and the Court finds reconciliation is unlikely.

B. Responding parties may file an entry of appearance and waiver to the proceedings. The entry of appearance and waiver shall be in writing and verified under oath and subject to the penalties of perjury. The Court shall not grant greater relief than is requested when a waiver is filed unless the respondent consents in writing.

3-108 Action to Void Marriage Due to Incapacity.

When either of the parties to a marriage shall be incapable, from want of age or understanding, of contracting such marriage, the same shall be declared void by the Court, in an action brought by the incapable party or by the parent or guardian of such party. Cohabitation after such incapacity ceases, shall be a sufficient defense to any such action.

3-109 Best Interest of Child Considered in Awarding Custody or Appointing Guardian.

- A. In awarding custody, the Court shall make a determination based upon the best interests of the minor child(ren)
- B. The Court may grant custody to either parent, to the parents jointly or to a third-party guardian.
- C. The Court may terminate a joint custody decree upon the request of either party or in situations where the Court determines the decree is no longer in the best interests of the child(ren). If a joint custody decree is modified, the Court shall make a new determination as to what custody arrangement is in the best interest of the minor child(ren).

3-110 Evidence of Domestic Abuse Considered - Rebuttable Presumption.

In every case involving the custody of, or visitation with a child, the Court shall consider evidence of ongoing domestic abuse which is properly brought before it. If the occurrence of ongoing domestic abuse is established by clear and convincing evidence, there shall be a rebuttable presumption that it is not in the best interests of the child(ren) to have custody or unsupervised visitation granted to the abusive person.

3-111 Preference of Child Considered in Custody of Visitation Actions.

In any action for divorce, legal separation, or annulment in which the Court must determine custody or visitation, the child may express a preference as to which of its parents the child wishes to have custody. Provided, however, the child is of sufficient age and emotional ability to understand the nature and consequences of their testimony. The Court may consider the expression of preference by the child; however, the Court shall not be bound by the child's choice and may take other factors into consideration in awarding custody and/or visitation.

3-112 Orders Concerning Child Custody; Visitation.

- A. The court shall award custody and visitation of the minor child(ren) pursuant to the best interests of the child(ren). Effort shall be made to assure the minor child(ren) have continuing and frequent contact with parents, providing that the best interest of the children will not be compromised by having such contact.
- B. Custody and visitation orders that are interfered with or disobeyed, may provide grounds for modification of the court's order.
- C. In any action for divorce, legal separation, or annulment in which the court must determine custody or visitation, the court may consider the child's preference; however, the court's determination of custody and/or visitation shall be based upon best interest of the minor child(ren).

3-113 Child Support Orders.

The Court shall refer actions involving minor children to the Delaware Child Support Services program for computation of support and subsequent enforcement. All support orders shall be made pursuant to the Delaware Child Support Code.

3-114 Orders Concerning Spousal Support.

A. The Court may award, where evidence supports the necessity of, spousal support for the maintenance of either party.

B. Court ordered spousal support shall be made in the form of a judgment with said amount determined using the following factors:

1. The length of marriage.
2. The age, physical and emotional health of the parties.
3. The education level of each party at the time of the marriage and at the time the action commences.
4. The earning capacity of the party seeking maintenance, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to find appropriate employment.
5. The feasibility that the party seeking maintenance can become self-supporting at a standard of living which is comparable to that enjoyed during the marriage, and if so the length of time necessary to achieve this goal.
6. The tax consequences to each party.
7. Any mutual agreement made by the parties before or during the marriage concerning any arrangement for financial support of the parties.
8. Such other factors as the Court may determine to be relevant.

3-115 Spousal Support Without Divorce.

The wife or husband may obtain spousal support from the other without a divorce, in an action brought for that purpose in the Court. Either may make the same defense to such action as they might to an action for divorce, and may, for sufficient cause, obtain a divorce from the other in such action.

3-116 Orders Concerning Property and Debt Division.

A. The Court shall make specific determinations as to the division of communal property and debt based upon notions of equity in both temporary and final orders.

B. In actions filed under this Title, neither husband nor wife has any interest in the separate property of the other.

3-117 Restoration of Maiden or Former Name.

When a divorce is granted, a party shall be restored to their maiden or former name if so desired.

3-118 Unlawful to Marry Within 6 Months from the Date of Divorce Decree.

It shall be unlawful for either party to an action for divorce whose former husband or wife is living to marry a person other than the divorced spouse within six (6) months from the date of decree of divorce granted by the Delaware Tribe of Indians.

3-119 Modification of Divorce Decree, Custody, Child Support and Judgment.

A. Upon petition of either party, the Court may modify its domestic relations order, Divorce or Separate Maintenance, after a show cause hearing, provided that:

1. There exists evidence that the modification is necessary due to a substantial and material change of circumstances affecting the physical or emotional well-being of the minor child(ren) or the party who is seeking the modification.

2. Orders of modification shall require the same consideration as if the order were an original decree or judgment.

B. There exists a rebuttable presumption that:

1. Continuing the current order of custody, support or judgment are in the best interests of the children and the parties.

2. A change in the economic circumstances or marital status of either party is not sufficient to meet the standards for modification, unless otherwise specified in these Codes.

3-120 Indirect Contempt.

Any provisions of the court's orders willfully disobeyed, whether temporary or final, shall be enforced as an indirect contempt of court.

3-121 Fees and Costs.

The payment of fees and costs shall be the responsibility of the party incurring the expense, unless for good cause shown, the Court shall make specific orders concerning the payment or reimbursement of such fees and costs.

ARTICLE 4. CHILD SUPPORT

4-101. Title.

This article may be referred to as the "Delaware Tribe of Indians Child Support Enforcement Code" or "Child Support Code."

4-102. Authority.

Article V of the Constitution of the Delaware Tribe of Indians (hereafter the "Tribe") enumerates the responsibility and duties of the Tribal Council to exercise lawmaking powers. Among other powers, the Tribal Council shall have the duty "to represent the Delaware Tribe and act in all matters that concern the general welfare of the tribe, and to make decisions not inconsistent with or contrary to this Constitution and Bylaws or the Constitution and laws of the United States of America."

4-103. Purpose.

The purpose of this chapter is to:

(A) Establish a tribal child support enforcement program as authorized under section 455 (f) of the Social Security Act.

(B) Designate the Tribe's Child Support Enforcement Program (DCSS) as the child support enforcement agency for the Tribe with the authority granted to it in accordance

with Title IV-D of the Social Security Act, 42 U.S.C. 651§651 et. seq., as amended, and Title IVD rules and regulations.

- (C) Provide for the establishment of paternity in accordance with the laws, customs, and traditions of the Delaware Tribe of Indians.
- (D) Provide for the establishment, modification, and termination of child support orders.
- (E) Provide for the enforcement of child support orders.
- (F) Provide for the collection and distribution of child support payments.
- (G) Provide for the location of parents and assets; and
- (H) Provide for the administrative and judicial procedures for the establishment, modification, termination, and enforcement of child support.

4-104. Construction, Uniformity, and Interpretation; Severability.

- (A) **Interpretation.** This chapter shall be liberally construed to provide child support for minor children under the jurisdiction of the Tribe.
- (B) **Consistency with Other Laws.** This chapter and in congruence with all the law and order codes of the Delaware Tribe establishes the Tribe's child support laws as mandated under Title IV-D of the Social Security Act and in a form generally consistent with Oklahoma and Kansas statutes concerning child support in order to provide uniformity in the child support laws applied by the Tribe, other tribes and the States of Oklahoma and Kansas, unless otherwise expressly provided.
- (C) **Other Laws.** If there is a child support issue that this chapter does not address, the Tribe's Judiciary may apply any other applicable law of the Tribe and/or any federal law concerning such child support issue to the extent mandated by Title IV-D of the Social Security Act. If a child support issue is not addressed by the Tribe's law or federal law, the Judiciary may consider any state or other tribal law concerning such child support issue as a guideline to make a determination in a child support action.
- (D) **Severability.** If any provision of this chapter is determined by a court of competent jurisdiction to be invalid for any reason, the remainder of the provisions shall remain in full force and effect and shall not be affected.

4-105. Definitions.

- (A) **"IV-D Child Support Enforcement Program"** means the federal, state and tribal child support programs established under Title IV-D, 42 USC §651 et seq., as amended, and Title IV-D rules and regulations, 45 CFR 302.00 et seq.

(B) “IV-D Services” means the services that are authorized or required for: the establishment of paternity; establishment, modification, and enforcement of support orders; and location of noncustodial parents under Title IV-D, 42 USC §651 et seq., as amended, and Title IV-D rules and regulations, 45 CFR 302.00 et seq.

(C) “Acknowledged Father” means a man who has established a father-child relationship.

(D) “Adjudicated Father” means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

(E) “Alleged Father” means a man who alleged himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include a.) a presumed father, b.) a man whose parental rights have been terminated or declared not to exist, or c.) a male donor.

(F) “Administrative Procedure” means a method by which support orders are made and enforced by an executive agency rather than by courts and judges.

(G) “Arrearage” means the total amount of an unpaid child support obligation by a parent who is obligated to pay.

(H) “Assignment” means any transfer of rights to child support by a custodial parent to the Tribe or other state or federal agency.

(I) “Assignment of Support Rights” means the legal procedure by which a person receiving public assistance agrees to turn over to the Tribe or state any right to child support, including arrearages, paid by the obligated parent in exchange for receipt of a cash assistance grant and other benefits. The money is used to defray the public assistance costs.

(J) “Child” means an individual of any age whose parentage may be determined under this Act.

(K) “Child Support” means the financial obligation a noncustodial parent has towards his or her child(ren) whether entered into voluntarily or ordered by a court or administrative agency.

(L) “Child Support Order and Child Support Obligation” means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court of competent jurisdiction, tribunal or an administrative agency for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing jurisdiction, or of the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

(M) “Child Support Enforcement (CSE) Agency” means an agency that exists under Title IV-D of the Social Security Act that locates noncustodial parents or putative fathers, establishes, enforces, and modifies child support, and collects and distributes child support money. A CSE agency is operated by state, local or tribal governments according to the Child Support Enforcement Program guidelines as set forth in Title IV-D of the Social Security Act.

(N) “Consumer Credit Protection Act (CCPA)” means the federal law that limits the amount that may be withheld from earnings to satisfy child support obligations under §303(b) of the CCPA, 15 USC §1673(b).

(O) “Consumer Reporting Agency” means any person which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports under 15 USC §1681a(f).

(P) “Court” means the Delaware Tribe of Indians Judiciary.

(Q) “Custodial Parent (CP)” means the parent with legal custody of the child(ren) or who exercises physical custody of the child(ren), may be a parent, relative, legal guardian, or custodian appointed by a court.

(R) “Default” means failure of a defendant to appear or file an answer or response in a civil case, after having been properly served with a summons and complaint.

(S) “Default Judgment” means a decision made by the tribunal when the defendant fails to respond.

(T) “Disestablishment” means a procedure by which a tribunal can nullify an order or a determination of paternity generally.

(U) “Delinquency” means any payment under an order for support which becomes due and remains unpaid. See Arrearage.

(V) “Department” means, unless otherwise indicated, the Tribal Child Support Enforcement Program.

(W) “Determination of Parentage” means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity or adjudication by the court.

(X) “Judge” means the presiding judge of the sitting Court of the Delaware Tribe of Indians.

(Y) **“Enforcement”** means the application of remedies to obtain payment of a child support or medical support obligation contained in a child and/or spousal support order.

(Z) **“Establishment”** means the process of determining paternity and/or obtaining a court or administrative order for child support.

(AA) **“Genetic Testing”** means an analysis of genetic markers to exclude or identify a man as a father or a woman as the mother of the child. The term includes an analysis of one or a combination of the following: a.) deoxyribonucleic acid, b.) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.

(AB) **“Income Assignment”** means an assignment by operation of law or by court or administrative order of a portion of the monies, income, or periodic earning and due and owing to the noncustodial parent, to the person entitled to the support or to another person designated by the support order or assignment. An income assignment may be for payment of current support, arrearages, or both.

(AC) **“Income Withholding”** means the automatic deductions made from wages or income to pay a debt such as child support. Income withholding usually is incorporated into the child support order and may be voluntary or involuntary. An employer must withhold support from a non-custodial parent’s wages and transfer that withholding to the appropriate agency.

(AD) **“Indian Country”** as defined in 18 USC §1151.

(AE) **“Indian Tribe”** means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe and includes in the list of federally recognized Indian Tribal governments as published in the Federal Register pursuant to 25 U.S.C. §479a-1.

(AF) **“Intercept”** means a method of securing child support by taking a portion of non-wage payments made to a non-custodial parent. Non-wage payments subject to interception include federal tax refunds, state tax refunds, unemployment benefits, and disability benefits.

(AG) **“Location”** means information concerning the physical whereabouts of the noncustodial parent, or the noncustodial parent’s employer(s), other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action in a case.

(AH) **“Lien”** means a claim upon property to prevent sale or transfer of that property until a debt is satisfied.

(AI) **“Medical Support”** means health or dental insurance coverage or health benefits ordered to be paid by a parent(s) for the benefit of a minor child(ren).

(AJ) **“Minor Child”** means any infant or person who is under the age of 18 which is herein considered the age of legal competence.

(AK) **“Non-Custodial Parent”** means a parent who does not have legal or physical custody of the child(ren) and has an obligation to pay child support. Also referred to as the obligor.

(AL) **“Non-Cash Support”** means support provided to a family in goods and/or services, rather than in cash and has a certain and specific dollar value.

(AM) **“Obligee”** means a person or entity to whom child support is owed. Also referred to as the custodial parent or CP.

(AN) **“Obligor”** means the person who is obligated to pay child support. Also referred to as the non-custodial parent or NCP.

(AO) **“Offset”** means an amount of money intercepted from a noncustodial parent’s state or federal tax refund or from an administrative payment such as federal retirement benefits to satisfy a child support debt.

(AP) **“Past Support”** means past-due support or support for a prior period. See “Arrearage.”

(AQ) **“Paternity Judgment”** means legal determination of fatherhood.

(AR) **“Payment Plan”** means, but is not limited to, a plan approved by a judicial or administrative court or a child support enforcement agency to make periodic payments of past due support to reduce the obligor’s arrearage. A payment plan usually consists of a monthly payment plan that includes current support and past due support. The plan may provide for an income assignment or similar plan to insure the past due support will be paid.

(AS) **“Presumed Father”** means a man who, by operation of law, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

(AT) **“Public Assistance”** means benefits granted from tribal, federal or state programs to aid eligible recipients (eligibility requirements vary between particular programs). Applicants for certain types of public assistance (e.g. TANF) are automatically referred to their tribal or state IV-D agency for child support services.

(AU) **“Signatory”** means an individual who authenticates a record and is bound by its terms.

(AV) **“State”** means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the

jurisdiction of the United States.

(AW) “Temporary Assistance for Needy Families” means the Temporary Assistance for Needy Families program as found at section 401 et seq. of the Social Security Act (42 U.S.C. 601 et seq.).

(AX) “Tribunal” means a court or administrative agency authorized to establish, enforce or modify support orders, or determine parentage.

4-106. Designation of the Delaware Tribe of Indians Child Support Services Program as a Title IV-D Program.

The Delaware Tribe of Indians Child Support Services Program (DCSS) shall be the designated Title IV-D agency for the Delaware Tribe of Indians with all the authority granted to it in accordance with Title IV-D of the Social Security Act, 42 USC §651 et seq., Title IV-D rules and regulations, and applicable laws of the Tribe, including these Codes.

4-107. Powers and Duties of the Delaware Child Support Services Program.

The DCSS shall be authorized to provide Title IV-D child support services that include, but are not limited to:

(A) Administer and manage the plan and services of its tribal IV-D program.

(B) Establish administrative procedures for paternity establishment and establishment, modification, termination, and enforcement of child support orders consistent with these Codes and the rules and regulations set forth by Title IV-D of the Social Security Act, 42 USC §651 et seq.

(C) Establish paternity in accordance with this Code.

(D) Establish, modify, and terminate child support orders through court or administrative action.

(E) Enforce child support orders through court or administrative actions.

(F) Initiate legal action to provide child support services, including appeals.

(G) Adopt policies and procedures for the Tribe for child support services.

(H) Adopt rules and regulations for child support services, subject to the approval of the Delaware Tribal Council.

(I) Negotiate agreements and or contracts as necessary for child support services under tribal and federal law, subject to the approval of the Delaware Tribal Council.

- (J) Establish and maintain child support records, files, and accounting.
- (K) Provide location services for parents and assets; and
- (L) Collect and distribute child support payments.

4-108. Services.

(A) **Services Provided.** The Delaware Child Support Enforcement program may provide the following Title IV-D services that include, but are not limited to:

- (1) The location of the parents and their assets through local, state, and federal agencies and private sources.
- (2) The establishment of paternity through court or administrative action in accordance with these Codes and the rules and regulations of Title IV-D of the Social Security Act, 42 USC §651 et seq.
- (3) The establishment and modification of child support obligations through court or administrative action.
- (4) The enforcement of child support orders through court or administrative action.
- (5) A review of child support orders for modification; and
- (6) The collection and distribution of child support payments.

(B) **Services Not Provided.** The Delaware Child Support Services program shall not provide services for the following:

- (1) The establishment or modification of visitation rights or custody.
- (2) The establishment or modification of spousal support.
- (3) The dissolution of a marriage.
- (4) Enforce marital property settlements, or
- (5) Provide legal advice to custodial and non-custodial parties.

(C) **Termination of Service.** The Delaware Child Support Services program may terminate child support services under the following circumstances:

- (1) When the Program receives a written request for termination of services from the person to whom services are being provided.
- (2) When the minor child is no longer eligible for child support or entitled to child support, or
- (3) When an applicant receiving services has violated any term or condition set forth by the DCSS program.

4-109. Eligibility, Assignment.

(A) **Eligibility and Application.** Child support services are available to an applicant who qualifies under Title IV-D laws and regulations.

(B) Assignment. An applicant for child support services shall assign his/her child support rights to the Tribe, which shall distribute the payment to the appropriate agency or individual.

(C) Tribe has Priority. An assignment of child support to the Tribe shall have priority over any prior or subsequent assignments.

4-110. Application Fee.

The DCSS shall not charge an application fee for child support services.

4-111. Intergovernmental Procedures, Full Faith, and Credit.

(A) Intergovernmental Procedure. DCSS Child Support Program shall extend the full range of services available under its Tribal IV-D plan to respond to all requests from and cooperate with other tribal and state IV-D agencies.

(B) Full Faith and Credit. The Tribe shall recognize child support orders issued by other tribes and tribal organizations and by states, in accordance with the requirements under the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738(B).

4-112. Confidentiality of Records.

(A) All applications, information and records received or obtained by the DCSS are confidential and shall only be opened under authorized tribal or federal laws in accordance with Title IV-D rules and regulations.

(B) The use or disclosure of personal information received or maintained by the DCSS is limited to purposes directly connected with the administration of the program, or Titles IV-A and XIX with the administration of other programs or purposes prescribed by the Secretary in regulations.

(C) No employee or agent of the DCSS Child Support Program shall provide any information referred to in this Act, except as provided, to any public or private agency or individual. Information may be disclosed and shared between a state, tribal or federal agency as necessary in the collection of child support in accordance with Title IV-D rules and regulations.

(D) Information shall not be released on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered.

(E) Information shall not be released on the whereabouts of one party of the child to another person if there is reason to believe that the release of the information to that party could result in physical or emotional harm to the party or the child.

(F) Unauthorized disclosure of any such information may subject the disclosing party to criminal and/or civil liability. Criminal Prosecution may result in conviction, punishable by a fine of up to \$5,000.00 per offense.

4-113. Attorneys.

(A) Attorneys. An attorney employed by or under contract with the Tribe shall represent and act on behalf of the Tribe when providing child support. An attorney-client relationship shall not exist between the attorney and any other party other than the Tribe, regardless of the name in which the action is brought.

(B) No Representation of Parties by Tribal Attorneys. An attorney employed to represent the Tribe in child support and related proceedings shall not provide any form of legal representation to any person who is a party, an interested party, or a beneficiary in a matter in which the Tribe is providing services. Such attorney shall not represent any party, an interested party, or a beneficiary in any other legal matters or proceedings which could reasonably be deemed a conflict of interest.

(C) Information to be Provided to Applicants and Recipients Regarding Legal Representation. The DCSS shall inform the applicant or recipient of child support services that no attorney-client relationship exists between the attorney and the applicant or recipient, and that the attorney does not provide legal representation on behalf of the applicant.

4-114. Locating Parents.

(A) Parent Locator Service. The Tribe's parent locator service may be used to obtain information for paternity establishment and for other child support related proceedings.

(B) Attempts to Locate. Attempts to locate custodial or noncustodial parents and/or sources of income and assets shall be made when location is required to take necessary action in a case. Reasonably available sources of information and records shall be used to locate custodial or noncustodial parents and their sources of income and assets.

4-115. Financial Disclosure.

The parents shall provide a complete disclosure of assets on a financial affidavit for purposes of child support and related proceedings, except as otherwise provided.

4-116. Applicant Cooperation.

An applicant shall cooperate with the DCSS in child support and related proceedings. Non-cooperation may result in the closure of the applicant's case for failure to cooperate. If notification is required for non-cooperation by other state, tribal or federal agencies, the DCSS shall notify the appropriate agency of the non-cooperation of the applicant.

4-117. Reasonable Costs.

The Court may assess reasonable costs against a party in child support and related proceedings. These costs include, but are not limited to: court filing fees, process server fees, mailing fees, and genetic testing fees performed in accordance with this Code.

4-118. Overpayment.

When an obligor has overpaid a child support obligation and there are no arrearages, the DCSS shall seek a refund of the amount from the obligee.

CHAPTER 2 JURISDICTION, CIVIL PROCEDURE, FULL FAITH AND CREDIT, SOVEREIGN IMMUNITY

4-119. Jurisdiction.

(A) General. The Court shall have jurisdiction over child support and related proceedings involving an individual who is the subject of such proceedings if one or more of the following prescribed conditions are fulfilled:

- (1)** The individual is an Indian, or eligible for membership of a federally recognized tribe who resides within lands subject to the jurisdiction of the Tribe.
- (2)** A child(ren) who is a member or is eligible for membership of a federally recognized tribe who resides within lands subject to the jurisdiction of the Tribe.
- (3)** The individual resided with the child in lands subject to the jurisdiction of the Tribe.
- (4)** The individual resided on lands subject to the jurisdiction of the Tribe and provided pre-natal expenses and/or other support for the child.
- (5)** The child resides on lands subject to the jurisdiction of the Tribe as a result of the acts or directives of the individual.
- (6)** The individual engaged in sexual intercourse on lands subject to the jurisdiction of the Tribe and the child may have been conceived by that act of intercourse.
- (7)** The individual asserted parentage in a putative father registry maintained by any state or tribal registry agency.
- (8)** The individual is a member of the Delaware Tribe of Indians, or the child is a member or eligible for membership in the Delaware Tribe of Indians.
- (9)** The individual submits to the jurisdiction of the Court by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or
- (10)** There is any basis consistent with the law-and-order codes, or the Constitution of the Delaware Tribe of Indians, the United States, or the States of Oklahoma or Kansas for the exercise of personal jurisdiction.

(B) Personal Jurisdiction Over All Interested Parties Not Required. Lack of personal jurisdiction over a child and the custodial parent does not preclude the Court from making a child support order binding on the noncustodial parent who is subject to the child support order.

4-120. Transfer.

The DCSS may accept transfer cases from other state and tribal IV-D agencies and may transfer cases to other state and tribal IV-D agencies, if appropriate.

4-121. Venue.

The venue for all child support actions initiated by the DCSS shall be the Tribe's District Court.

4-122. Civil Procedure.

The civil procedure to be followed shall be those set forth in the Delaware Tribe of Indians Law and Order Code, unless otherwise specified herein.

4-123. Filing Fees.

The Clerk of the Court shall not charge filing fees for pleadings made by and for the DCSS.

4-124. Full Faith and Credit.

The Tribe shall give full faith and credit to a valid court order from other tribal and state administrative bodies and courts in accordance with the federal Full Faith and Credit for Child Support Orders, 28 USC §1738B.

4-125. Sovereign Immunity.

Nothing in this chapter shall be deemed a waiver of the sovereign immunity of the Tribe.

CHAPTER 3 PATERNITY AND GENETIC TESTING

4-126. General.

(A) Applicability. This article governs the establishment of parentage for any child up to and including at least 18 years of age as defined herein.

(B) Authority. The adjudicating court is authorized to adjudicate parentage under this Code.

(C) Adjudication of parent-child relationship. The adjudicating court shall apply the laws of the Tribe to adjudicate the parent-child relationship. The applicable laws do not depend on:

- (1) The place of birth of the child, or
- (2) The past or present residence of the child.

4-127 No Effect on Tribal Enrollment.

Determination of paternity under this chapter has no effect on tribal enrollment or membership.

4-128. Parent-Child Relationship.

(A) The mother-child relationship is established between a woman and a child by:

- (1) The woman's having given birth to the child.
- (2) Adoption of the child by the woman; or
- (3) As otherwise provided by law.

(B) The father-child relationship is established between a man and a child by:

- (1) An un-rebutted presumption of the man's paternity of the child under this Code herein.
- (2) An effective acknowledgment of paternity by the man in accordance with these codes, unless the acknowledgment has been rescinded or successfully challenged.
- (3) An adjudication of the man's paternity.
- (4) Adoption of the child by the man; or
- (5) As otherwise provided by law.

4-129. Rights Valid Until Terminated.

Unless parental rights are terminated, a parent-child relationship established under this Title applies for all purposes, except as otherwise specifically provided by other laws of the Tribe.

4-130. Presumption of Paternity - Marriage.

(A) A man is presumed to be the father of a child if:

- (1) He and the mother of the child are married to each other, and the child is born during this marriage; or
- (2) He and the mother of the child were married to each other, and the child is born within three hundred (300) days after the termination of the marriage by death, annulment, declaration of invalidity, divorce or dissolution of marriage, or decree of separation is entered by the court; or

(3) Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, divorce or dissolution of marriage, or decree of separation is entered by the court; or

(4) After the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:

(a) The assertion is on record filed with the state agency maintaining birth records.

(b) He agreed to be and is named as the child's father on the child's birth certificate; or

(c) He admitted paternity of the child under oath or by sworn testimony.

(B) A presumption of paternity established under these Codes may be rebutted only by an adjudication of paternity.

4-131. No Discrimination Based on Marital Status.

A child born to parents who are not married to each other has the same rights under this Title as a child born to parents who are married.

4-132. Voluntary Acknowledgment of Paternity.

(A) A man claiming to be the genetic father of the child and the mother of the child, together may sign an acknowledgment of paternity with the intent to establish the man's paternity.

(B) An acknowledgment of paternity must:

(1) Be in a record (oral or written);

(2) Be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish paternity.

(3) State that the child whose paternity is being acknowledged:

(a) Does not have a presumed father, or has a presumed father whose full name is stated; and

(b) Does not have another acknowledged or adjudicated father.

(4) State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and

(5) State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child; and, that a challenge

to the acknowledgment is permitted only under limited circumstances and is barred after two (2) years.

(C) An acknowledgment of paternity is void if it:

- (1)** States that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the state agency maintaining birth records.
- (2)** States that another man is an acknowledged or adjudicated father; or
- (3)** Falsely denies the existence of presumed, acknowledged, or adjudicated father of the child.

(D) A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

(E) Except as otherwise provided in this Title, a valid acknowledgment of paternity filed with the state agency maintaining birth records is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all of the rights and duties of a parent.

4-133. Denial of Paternity.

(A) A presumed father may sign a denial of his paternity. The denial is valid only if:

- (1)** An acknowledgment of paternity signed, or otherwise authenticated, by another man is filed pursuant to these Codes.
- (2)** The denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and
- (3)** The presumed father has not previously:
 - (a)** Acknowledged his paternity, unless the previous acknowledgment has been rescinded, or successfully challenged pursuant to these Codes; or
 - (b)** Been adjudicated to be the father of the child.

(4) The denial is signed not later than two (2) years after the birth of the child.

(B) Except as otherwise provided in these codes, a valid denial of paternity by a presumed father filed with the state agency maintaining birth records in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the non-paternity of the presumed father and discharges the presumed father from all rights and duties of a parent.

4-134. Rules for Acknowledgment and Denial of Paternity.

- (A) An acknowledgment of paternity and a denial of paternity may be filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are filed.
- (B) An acknowledgment of paternity or denial of paternity may be signed before the birth of the child.
- (C) Subject to subsection A of this section, an acknowledgment or denial of paternity takes effect on the birthdate of the child or the filing of the document with the state agency maintaining birth records, whichever occurs later.
- (D) An acknowledgment of paternity or denial of paternity signed by a minor is valid if it is otherwise in compliance with this Act.

4-135. Proceedings for Rescission, Rescission by Minor.

- (A) A signatory may rescind an acknowledgment of paternity or denial of paternity by commencing a proceeding to rescind before the earlier of:

 - (1) Sixty (60) days after the effective date of the acknowledgment or denial; or
 - (2) The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.
- (B) A signatory who was a minor at the time of execution of the acknowledgment may rescind an acknowledgment of paternity within sixty (60) days of reaching the age of eighteen.

4-136. Challenges After Expiration of Period for Rescission.

- (A) After the period for rescission under Section 310 of this chapter has expired, a signatory of an acknowledgment of paternity or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:

 - (1) On the basis of fraud, duress, or material mistake of fact; and
 - (2) Within two (2) years after the acknowledgment or denial is filed with the state agency maintaining the birth records.
- (B) A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof.

4-137. Procedures for Rescission or Challenge.

- (A) Every signatory to an acknowledgment and any related denial of paternity must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.
- (B) For the purpose of a rescission, or challenge to, an acknowledgment of paternity or denial of paternity, a signatory submits to personal jurisdiction of the adjudicating court by signing the acknowledgment or denial effective upon the filing of the document with the state agency maintaining birth records.
- (C) Except for good cause, during the pendency of a proceeding to rescind or challenge an acknowledgment of paternity or denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.
- (D) A proceeding to rescind or to challenge an acknowledgment of paternity or denial of paternity must be conducted in the same manner as a proceeding to adjudicate parentage under this chapter.
- (E) At the conclusion of a proceeding to challenge an acknowledgment of paternity or denial of paternity, the court shall order the state agency maintaining birth records to amend the birth record of the child, if appropriate.

4-138. Ratification Barred.

A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.

4-139. Full Faith and Credit.

Full faith and credit shall be given to an acknowledgment of paternity or denial of paternity effective in another tribe or state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other tribe or state.

4-140. Exceptions to the Establishment of Paternity.

The DCSS is not required to establish paternity in any case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending, if it would not be in the best interest of the child to establish paternity.

CHAPTER 3A GENETIC TESTING

4-141. General.

(A) This subchapter governs genetic testing of an individual to determine parentage, whether the individual is:

- (1) voluntarily submitting to testing, or
- (2) is tested pursuant to an order of the court.

(B) Traditional and customary objections to blood testing and/or DNA testing shall not be a basis for refusal to undergo such testing.

4-142. Order for Testing.

(A) Except as otherwise provided, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by a sworn statement by the party to the proceeding:

- (1) Alleging paternity, and stating facts establishing a reasonable possibility of the requisite sexual contact between the parties; or
- (2) Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

(B) The DCSS may require genetic testing only if there is no presumed, acknowledged, or adjudicated father, unless for good cause shown, the DCSS believes genetic testing is in the best interests of any child up to and including at least 18 years of age.

(C) If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

(D) If a request for genetic testing of a child is made before the birth of the child, the court shall not order in-utero testing, nor shall DCSS require in utero testing.

4-143. Requirements for Genetic Testing.

(A) Genetic testing shall be of a type relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:

- (1) The American Association of Blood Banks, or a successor to its functions.
- (2) The American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or
- (3) An accrediting body designated by the federal Secretary of Health and Human Services.

(B) A specimen used in genetic testing may consist of one or more samples, or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for everyone undergoing genetic testing.

(C) Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in calculation of the probability of paternity. If there is disagreement as to the testing laboratory's choice, the following rules apply:

- (1)** The individual objecting may require the testing laboratory, within thirty (30) days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.
- (2)** The individual objecting to the testing laboratory's initial choice shall:

- (a)** if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or
- (b)** engage another testing laboratory to perform the calculations.

- (3)** The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

(D) If, after recalculation using a different ethnic or racial group, genetic testing does not conclusively identify a man as the father of a child, an individual who has been tested may be required to submit to additional genetic testing.

4-144. Report of Genetic Testing, Chain of Custody.

(A) A report of genetic testing shall be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this section is self-authenticating.

(B) Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:

- (1)** The names and photographs of the individuals whose specimens have been taken.
- (2)** The names of the individuals who collected the specimen.
- (3)** The places and dates the specimens were collected.
- (4)** The names of the individuals who received the specimens in the testing laboratory, and
- (5)** The dates the specimens were received.

4-145. Genetic Testing Results, Rebuttal.

(A) A man is rebuttably identified as the father of a child if the genetic testing complies with this chapter and the results disclose that the man has:

- (1) At least a ninety-nine (99%) percent probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and
- (2) A combined paternity index of at least 100 to 1.

(B) A man identified under subsection A of this section as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this chapter which:

- (1) Excludes the man as a genetic father of the child; or
- (2) Identifies another man as the possible father of the child.

(C) Except as otherwise provided herein, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.

4-146. Costs of Genetic Testing.

(A) The costs of the initial genetic testing must be advanced:

- (1) By DCSS when DCSS is providing services.
- (2) By the individual who made the request.
- (3) As agreed by the parties, or
- (4) As ordered by the court.

(B) When the cost is advanced by DCSS, DCSS may seek reimbursement from the man who is rebuttably identified as the father.

4-147. Additional Genetic Testing.

(A) The court may order, or DCSS may request additional genetic testing upon the request of the party who contests the result of the original testing. If the previous genetic testing identified a man as the father of the child, the court may not order additional testing unless the party challenging the test provides advance payment for the testing.

4-148. Genetic Testing When Specimen Is Not Available.

(A) Subject to subsection B of this section, if a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the

court considers to be just, the court may order the following individuals to submit specimens for genetic testing:

- (1) The parents of the man.
- (2) Brothers and sisters of the man.
- (3) Other children of the man and their mothers.
- (4) Other relatives of the man necessary to complete genetic testing; and
- (5) Any other custodians of genetic material.

(B) Issuance of a court order under this section requires a finding that the need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

4-149. Identical Brothers, Non-genetic Evidence to Determine Father.

(A) The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

(B) If each brother satisfies the requirements as the identified father of the child under §324, without consideration of another identical brother being identified as the father of the child, the court may rely on non-genetic evidence to adjudicate which brother is the father of the child.

4-150. Release of Report of Genetic Testing.

Release of a genetic testing report for parentage is pursuant to policy and procedure promulgated by the DCSS.

CHAPTER 3B PROCEEDINGS TO ADJUDICATE PARENTAGE

4-151. Civil Proceeding to Adjudicate Parentage.

A civil procedure may be maintained to adjudicate parentage of a child. The proceeding is governed by the Civil Procedure Code of the Delaware Tribe, unless otherwise specified herein.

4-152. Standing to Maintain Proceeding.

Except as otherwise stated a proceeding to adjudicate parentage may be maintained by:

- (1) The child.
- (2) The mother of the child.
- (3) A man whose paternity of the child is to be adjudicated.
- (4) The DCSS; or

- (5) A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor.

4-153. Parties to Proceeding.

The following individuals must be joined as parties in a proceeding to adjudicate parentage:

- (1) The mother of the child; and
- (2) A man whose paternity of the child is to be adjudicated.

4-154. No Limitation: Child Having No Presumed, Acknowledged or Adjudicated Father.

An adjudication proceeding to determine the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, even after:

- (1) The child becomes an adult, but only if the child initiates the proceeding; or
- (2) An earlier proceeding to adjudicate paternity has been dismissed based upon the application of a statute of limitation then in effect

4-155. Limitation: Child Having Presumed Father.

(A) Except as otherwise provided in subsection B of this section, a proceeding brought by a presumed father, the mother or another individual to adjudicate the parentage of a child having a presumed father must be commenced not later than two (2) years after the birth of the child.

(B) A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time if the court determines that:

- (1) The presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and
- (2) The presumed father never openly held out the child as his own.

(C) A proceeding seeking to disprove the father-child relationship between a child and the child's presumed or acknowledged father may be maintained at any time if the court determines the biological father, or the presumed or acknowledged father, and the mother agree to adjudicate the biological father's parentage.

- (1) If the presumed or acknowledged father or mother is unavailable, the court may proceed if it is determined that diligent efforts have been made to locate the unavailable party and it would not be prejudicial to the best interest of the child to proceed without that party.

(2) In a proceeding under this section, the court shall enter an order either confirming the existing father-child relationship or adjudicating the biological father as the parent of the child. A final order under this section shall not leave the child without an acknowledged or adjudicated father.

4-156. Authority to Deny Motion for Genetic Testing, Factors to Consider.

(A) In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court may deny a motion seeking an order for genetic testing of the mother, the child and the presumed or acknowledged father if the court determines that:

(1) The conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and

(2) It would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father or otherwise against the best interests of any child up to and including at least 18 years of age.

(B) In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

(1) The length of time between the date of the parentage adjudication proceeding and the date of notification to the presumed or acknowledged father that he may not be the genetic father.

(2) The length of time the presumed or acknowledged father assumed the role of father of the child.

(3) The facts surrounding the presumed or acknowledged father's discovery of his possible non-paternity.

(4) The nature of the relationship between the child and the presumed or acknowledged father.

(5) The age of the child.

(6) The harm that may result to the child if presumed or acknowledged paternity is successfully disproved.

(7) The nature of the relationship between the child and any alleged father.

(8) The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and

(9) Other factors that may result from a disruption of the father-child relationship or the chance of harm to the child.

(C) In a proceeding involving the application of this section, a minor or incapacitated child shall be represented by a guardian ad-litem.

(D) If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed or acknowledged father to be the father of the child.

4-157. Limitation: Child Having Acknowledged or Adjudicated Father.

(A) When a child has an acknowledged father, a signatory to the acknowledgment of paternity or denial of paternity may commence a proceeding to rescind the acknowledgment or denial or to challenge the paternity of the child but only within the time allowed under §310 or §311 of this act.

(B) When a child has an acknowledged or adjudicated father and an individual, other than the child seeks an adjudication of paternity of the child and who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication the individual shall commence proceedings not later than two (2) years after the date of acknowledgment or adjudication.

4-158. Joinder of Proceedings.

Except as otherwise provided, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, annulment, legal separation or separate maintenance, probate or administration of an estate or other appropriate proceedings.

4-159. Commencement of Proceeding.

A proceeding to determine parentage may be commenced after the birth of the child.

4-160. Child as Party: Representation.

(A) A minor child is a permissible party but is not a necessary party to a proceeding under this chapter.

(B) The court shall appoint a guardian ad-litem to represent a child if the child is a party or if the court determines that the interests of the child are not adequately represented.

4-161. Admissibility of Results of Genetic Testing.

(A) Except as otherwise provided in subsection C of this section, a record of a genetic testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within fourteen (14) days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

- (1) Voluntarily or pursuant to an order of the court or as requested by the child support enforcement agency; or
- (2) Before or after the commencement of the proceeding.

(B) A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

(C) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed pursuant to an order of a Court of competent jurisdiction.

4-162. Consequences of Declining Genetic Testing.

(A) An order for genetic testing is enforceable by contempt.

(B) If an individual whose paternity is being determined declines to submit to a court order for genetic testing, the court may adjudicate parentage contrary to the position of that individual, pursuant to the following conditions are met:

(1) The court finds, by clear and convincing evidence, the individual is more likely than not to be the parent of the child; and

(2) The adjudication is not contrary to the best interests of the child.

(C) Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

4-163. Admission of Paternity Authorized.

(A) A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury in an affidavit filed in the case, or by sworn testimony before the presiding court.

(B) If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

CHAPTER 3C SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

4-164. Rules for Adjudication of Paternity.

(A) The court shall apply the following rules to adjudicate the paternity of a child:

(1) The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.

(2) Unless the results of genetic testing are admitted to rebutting other results of genetic testing, a man identified as the father of a child under Section 321 of this Act must be adjudicated the father of the child.

(3) If the court finds that genetic testing under Section 321 neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity.

(4) Unless the results of genetic testing are admitted to rebutting other results of genetic testing, a man excluded as the father of a child by genetic testing shall not be adjudicated to be the father of the child.

4-165. Court Shall Adjudicate.

The court, without a jury, shall adjudicate paternity of a child.

4-166. Hearings, Records, Reports, Public Record.

(A) Upon the request of a party and for good cause shown, the court may close a proceeding under this chapter.

(B) A final order in a proceeding under this chapter is available for public inspection. Other records, reports and papers are available only with the consent of the parties or an order of the court for good cause.

4-167. Default Order.

(A) The court may issue an order adjudicating the paternity of a man who:

(1) After service of process, is in default; and

(2) Is found by the court to be the father of a child by clear and convincing evidence.

(B) All orders issued under this section shall be in writing and shall include the following provision: "Paternity in this matter was adjudicated by default. This order shall not be used when determining eligibility for tribal membership."

4-168. Dismissal Only Without Prejudice.

The court may dismiss a proceeding under this chapter for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

4-169. Order Adjudicating Parentage.

- (A) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.
- (B) An order adjudicating parentage must identify the child by name and date of birth.
- (C) Except as otherwise provided in subsection D of this section, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, including necessary travel and other reasonable expenses incurred in a proceeding under this subchapter.
- (D) The court may not assess fees, costs, or expenses against any Title IV-D support-enforcement agency of this tribe or another tribe or state, except as provided by other law.
- (E) On request of a party and for good cause shown, the court may order that the name of the child be changed.
- (F) If the order of the court is at variance with the child's birth certificate, the court shall order the state agency maintaining birth records to issue an amended birth registration.

CHAPTER 4 CHILD SUPPORT ESTABLISHMENT

4-170. General.

This article governs the establishment of child support for a minor child as defined herein.

- (A) **Applicability.** The Delaware Tribe of Indians' jurisdiction lies within the states of Kansas and Oklahoma and calculation of child support guidelines shall be consistent with the attached schedule regardless of the state of residency.
- (B) **Orders.** In all child support cases, the Delaware Tribe of Indians Court shall order the payment of child support pursuant to the child support guidelines established in this Title and the child support schedule attached as Addendum I to this Code.
- (C) **Initiation of Action.** The Tribe, mother, father, guardian, custodian, child, or other agency responsible for the support of the child may initiate an action for child support.
- (D) **Age Requirement.** An action to establish child support shall be initiated before any child reaches the age of eighteen (18) years of age. Although, paternity can be established for any child up to and including at least 18 years of age.
- (E) **Parent Requirement.** Child support shall only be established for a biological or legally adopted child of the parents.

(F) No Support for Stepchildren Required. A parent shall not be responsible or liable for the support of a stepchild(ren).

(G) Adopted Children. Parents have the same legal duty of support for an adopted child as for a biological child.

(H) Obligors and Obligees. In the payment and receipt of child support, the noncustodial parent, or the person responsible for the payment of child support shall be designated the “obligor” and the custodial parent or the person who receives the child support shall be designated the “obligee.”

4-171. Child Support, Age of Majority, Minor Parents, Emancipation.

(A) Age Limitation. A child shall be entitled to support by his/her parents until the child is up to 18 years of age or is emancipated. If a child is regularly enrolled and attending high school or an alternative high school education program as a full-time student, the child shall be entitled to support by the parents until the child graduates from high school, is emancipated, or reaches the age of twenty (20) years, whichever occurs first. Full-time attendance shall include regularly scheduled breaks from the school year. No hearing or further order shall be required to extend support pursuant to this subsection after the child reaches the age of eighteen (18).

(B) Minor Parents. Minor parents are responsible for the financial support of their child. The Court may deviate from the child support guidelines if the minor parents are attending high school. When the minor parent is emancipated, the Court may modify the order in accordance with the child support guidelines.

(C) Emancipation. A child shall be considered emancipated when said child either reaches the age of eighteen (18) or is regularly enrolled and attending high school until the age of nineteen (19) whichever occurs first pursuant to subsection (A) of this section; or when the child enlists in the military, or marries, or is emancipated by an order from the Court.

4-172. Child Support Obligations and Guidelines.

(A) Purpose. The purposes of the child support guidelines are to:

- (1)** Establish as policy an adequate standard of support for minor children, subject to the ability of parents to pay.
- (2)** Make support payments equitable by ensuring consistent treatment of persons in similar circumstances; and
- (3)** Improve the efficiency of the court process by promoting settlements and giving guidance in establishing levels of child support to the Court, DCSS and the parties.

(B) Child Support Worksheet. The worksheet should contain the actual calculation of the child support based on Child Support Income, Work-Related Childcare Costs,

Health, Dental, Orthodontic, and Optometric Insurance Premiums, and any Child Support Adjustments. (See Addendum I).

(C) Use of Child Support Schedule. In any action to establish or modify child support, the child support instructions as set forth in Addendum I shall be applied to determine the child support due and shall be a rebuttable presumption for the amount of such child support. The child support schedule shall be used for temporary and permanent orders, separations, dissolutions, and support decrees arising despite non-marriage of the parties. The child support schedule shall be used as the basis for reviewing the adequacy of child support levels in non-contested cases as well as contested hearings. A specific amount of child support should always be ordered, no matter how minimal, to establish the principle of that parent's obligation to provide monetary support to the child.

(D) Base Monthly Child Support Amount. A child support obligation shall provide for a base monthly child support amount, which shall be calculated using the child support computation schedule, the computation formula, and income guidelines for employed and self-employed parents. The computation formula computes the base monthly child support amount based on the domestic gross income of both parents, which shall be calculated in accordance with this section.

(E) Sources for Determination of Gross Income Amounts. Gross income shall be derived, but shall not be limited, to the following sources: salaries, wages, tips, commissions, bonuses, severance pay, dividends, pensions, interest income, trust income, annuities, capital gains, alimony or maintenance received, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, Individual Indian Money accounts, and per capita payments. For income from self-employment, rent, royalties, proprietorship of a business or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required to produce such income; provided that ordinary and necessary expenses do not include expenses determined by the Court to be inappropriate for purposes of calculating child support. If the parent is unemployed, the minimum wage rate shall be used to compute the income of that parent, if the parent is physically capable of working, unless otherwise provided under these guidelines.

(F) Excluded Sources for Determination of Gross Income Amounts. Gross income shall not be derived from the following sources: actual child support received for children not before the Court; Temporary Assistance for Needy Families (TANF); Supplemental Security Income (SSI); food stamps; general assistance, and state supplemental payments for the aged, blind and disabled.

(G) Computation of Domestic Gross Income. The domestic gross income to be used for the purpose of determining the base monthly child support amount described in subsection (B) of this section shall be calculated as follows:

(1) In computing gross income for a child support obligation from sources such as those described in subsection (E) of this section, the one of the following types of income may be used, whichever is most equitable: (i) all earned and passive

income; (ii) all passive and earned income equivalent to a forty-hour week plus such overtime and supplemental income as the Court deems equitable; (iii) the average of the gross monthly income for the time actually employed during the previous three years; or (iv) the minimum wage paid for a forty-hour work week. If a party is unemployed, the Court may impute a minimum wage for income. If a parent is permanently, physically, or mentally incapacitated, the child support obligation shall be computed on the basis of actual monthly gross income.

(2) The amount of any preexisting court order for current child support for children, not before the Court, shall be deducted from gross income, if actually paid. The amount of reasonable expenses of debt service for preexisting, jointly acquired debt of the parents may be deducted from gross income, if actually paid.

(H) Basic Childcare Obligations. A child support order shall provide for childcare expenses reasonably necessary to enable both parents to be employed, seek employment, or attend school or training to enhance employment income. The actual childcare costs incurred shall be allocated and paid monthly in the same proportionate share as the child support. Upon reasonable request by the obligor, the obligee shall provide the obligor with timely documentation of any change in the amount of the childcare costs. If the Court finds that it will not cause detriment to the child or will not cause undue hardship to either parent, in lieu of payment of childcare expenses incurred during employment, employment search, or while the obligee is attending school or training, the obligor may provide for the child care during that time.

(I) Basic Medical Support Obligation. A child support obligation shall provide for medical and dental insurance and unreimbursed medical and dental expenses. Medical support may be provided through employer insurance or group insurance or through an alternative private source or through the Indian Health Service. The actual medical and dental premiums are to be allocated between the parents in the same proportion as their adjusted gross income and added to the base child support obligation. An Indian Health Service facility, including such facility operated by an Indian tribe, and/or services may be used for both medical and/or dental service, if agreed by both the obligor and obligee.

(J) Other Expenses Not Covered by Basic Child Support Obligations.

(1) Medical Expenses Not Covered by Insurance. Reasonable and necessary medical, dental, orthodontic, optometric, psychological, or any other physical or mental health expenses of the child incurred by either parent and not reimbursed by insurance shall be allocated in the same proportion as the parents' adjusted gross income as separate items that are not added to the base child support obligation. The parent who incurs the expense shall be reimbursed by the other parent within thirty (30) days of receipt of documentation of the expense. If a clinic, hospital, or program provides health services as described in this subsection utilizing direct or contract health care funding provided through the Indian Health Service, both parties shall be liable for any medical and dental expenses resulting from, but not covered by, such services, or otherwise unreimbursed with funding through the Indian Health Service, in the same proportionate share as the child support.

(2) Travel Expense. A child support obligation may provide for transportation and communication expenses necessary for long distance visitation or time divided in proportion to each parent's adjusted gross income.

(3) Extraordinary Educational Expenses. A child support order may provide for any extraordinary educational expenses for children of the parties.

(K) Deviations. The Court may order child support in an amount different from that which is provided in these guidelines, if:

(1) (i) There is a presumption of hardship because application of the child support guidelines would require the non-custodial parent to pay the custodial parent more than forty percent (40%) of his gross income for a single child support obligation for current support; (ii) a minor custodial and noncustodial parent are regularly attending high school; (iii) the court makes a finding that the parents of the minor parents are responsible for the financial support of the child; or (iv) application of the guidelines would be inappropriate or unjust in the particular case due to other circumstances; and

(2) Deviation is in the best interest of the children for whom the child support obligation is being established; and

(3) The award order states the amount the award would be if it were calculated by application of the guidelines; and

(4) The award order states the amount of child support which is awarded after the deviation; and

(5) The award order contains written findings regarding items (1) through (4) above.

4-173. Address Requirement for Service.

(A) Address Information. All child support orders shall require the parties to keep the DCSS informed of their current addresses and an address of record for service. An address of record for service may be different from a party's physical address.

(B) Change of Address. Any change of address shall be provided to the DCSS program within thirty (30) days of the change. The address of a party shall be protected from disclosure if evidence of domestic violence or child abuse is found, or it is determined that disclosure could be harmful to a party or child.

(C) Service. The address of record may be used for the service of notices and orders in accordance with these Codes.

4-174. Child Support Order.

(A) Contents of Child Support Order. A child support order shall provide the following:

(1) the names of the obligor and obligee;

- (2) the name or names of the child(ren) before the court.
- (3) a provision for the monthly child support amount.
- (4) a provision for the amount of any past due support and a payment plan for the past due support, if applicable.
- (5) a provision for a judgment for past due support and a payment plan for the past due support, if applicable.
- (6) a provision for medical and dental insurance.
- (7) a provision for unreimbursed medical expenses.
- (8) a provision for immediate income withholding.
- (9) a provision for childcare costs, if applicable.
- (10) a provision for a current address and an address for service; and
- (11) such other information or requirements as determined appropriate and reasonable by the Court or the DCSS.

(B) Commencement of Obligation. The obligations shall commence, unless otherwise ordered on the first day of the month immediately following the month in which the child support order was issued.

(C) Statement of Amount. The amount of a child support order shall not be construed to be an amount per child unless specified by the Court. If there is more than one child in the child support order and one of the children has attained the age of majority or is no longer entitled to support, the child support order may be modified.

(D) Support for the Child. The child support order may include a provision, if the Court deems it appropriate, to assure that the child support payment shall be used for the support of the child.

4-175. Arrearage.

A judgment for arrearage may be included in each child support order if there is past due child support owed as well as a payment schedule for the judgment. Failure to state a past due amount in the order does not bar collection of the amount.

4-176. Non-cash Support.

(A) Non-cash Support. The Court may allow part of the child support obligation to be paid with non-cash support, if the obligee agrees to the use of a non-cash payment being used, and the child support order states:

- (1) the specific dollar amount of the support obligation; and
- (2) the type and amount of non-cash support that will be permitted to satisfy the child support obligation.

(B) Satisfaction of Public Assistance Monies. Non-cash payments shall not be permitted to satisfy any tribal, state, or federal public assistance monies.

(C) Types of Non-Cash Support Permitted. Non-cash support may be considered in the following circumstances: repairs to home or vehicle; resources for heating or utility reduction assistance; cultural or regalia contributions; and fish, wildlife, or vegetation as food sources; provided however, that all non-cash support is credited consistent with subsection (A) herein.

4-177. Payments.

Child support payments shall be made to the Delaware Tribe of Indians CSS. When payments are made to the Delaware Tribe of Indians CSS, DCSS shall distribute the payment to the appropriate agency or individual.

4-178. Judge's Signature.

The judge shall sign the child support order and the child support computation form which establishes or modifies child support.

4-179. Voluntary Agreement.

Parents may establish child support through a voluntary agreement in accordance with the child support guidelines. In the event of such an agreement, the parties shall sign and date the child support order, the child support computation form, and a waiver of right to service of process before submission to the Court. Once signed, the agreed order, computation form, and waiver shall be submitted to the Court for approval and signature, including any evidence for approval without the parties being present at a court hearing.

4-180. Rebuttable Presumption.

There shall be a rebuttable presumption in any proceeding for child support that the amount of the award is the correct amount of child support to be awarded.

4-181. Liability for Past Support.

In an establishment case for child support, the court may award an additional judgment to reimburse the expenses of support and education of the child from the date of birth to the date the order is entered. If the determination of paternity is based upon a presumption arising under Chapter 330 of this code, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption first arose to the date the child support order is entered, except that no additional judgment need be awarded for amounts accrued under a previous order for the child's support.

4-182. Termination of Parental Rights, Adoption.

(A) Termination of Parental Rights. When a parent terminates his or her parental rights, the termination does not end the duty of either parent to support his or her child. The duty ends when a court terminates the parent's duty to support his or her child, or if

there is a signed written agreement between the parties to terminate the duty to support and approved by a court. If there is a child support arrearage, the arrearage shall be due until paid in full unless waived by the court or by a signed written agreement between the parties that waives the past arrearage and that is approved by a court.

(B) Adoption. If an adoption of a child is pending, a child support order shall remain in effect until notice is received that the final decree of adoption has been entered by the applicable court. If there is a child support arrearage, the arrearage shall be due until paid in full, unless waived by the court or by a signed written agreement between the parties that waives the arrearage and approved by the court.

4-183. Modification.

(A) Petition to Modify. A child support order may be modified upon petition of an obligor, obligee or DCSS.

(B) Modification Upon Material Change in Circumstances. Child support orders may be modified upon a material change in circumstances that includes, but is not limited to:

- (1)** An increase or decrease in income; or
- (2)** When a child reaches the age of majority; or
- (3)** When a child ceases to be entitled to support pursuant to the support order,
or
- (4)** A change in childcare costs or medical support.

(C) Effective Date of Modification. An order of modification shall be effective upon the date the motion to modify was filed, unless the parties agree to another, or the Court finds that the material change of circumstances did not occur until a later date.

(D) Voluntary Modification. If the parties agree to a modification, the court shall review the modification to ensure that it complies with the child support guidelines.

4-184. No Retroactive Modification. A child support order shall not be modified retroactively.

4-185. Temporary Orders.

(A) The court may upon proper application establish a temporary order for child support in accordance with the child support guidelines.

(B) A temporary order may be vacated or modified prior to or in conjunction with a final order or decree.

(C) A temporary order terminates when the final judgment on all issues, except attorney fees and costs, is rendered or when the action is dismissed.

4-186. Prior Born Children.

If an obligor has a child support order and later has additional children born or adopted, the obligor may not be permitted to modify the order for the prior born child to support a child born or adopted later.

4-187. Past Due Support.

A final order for modification shall state whether past due support is owed and set a payment schedule. The failure to state a past due amount does not bar an action to collect the past due amount.

4-188. Review of Child Support Orders, Review of Guidelines.

(A) The DCSS shall conduct a review of a child support order at least once every four (4) years to ensure that the child support order is in accordance with the child support guidelines and Title IV-D rules and regulations.

(B) If the DCSS determines that the child support order is not in accordance with the child support guidelines, DCSS shall initiate action to modify the child support order.

(C) An order of modification shall be effective upon the date the motion to modify the child support order was filed.

(D) Either a noncustodial or custodial party may request a review of the child support order.

(E) DCSS shall conduct a review at least once every four years to insure the child support guidelines are appropriate child support award amounts and in accordance with Title IV-D rules and regulations.

4-189. Redirection of Child Support Upon Change in Physical Custody.

Whenever physical custody of the child is changed, the child support payments shall be redirected to the new custodian, except for the amount of unpaid support still owed to the previous custodian or to the tribal or state child support agency.

4-190. No Statute of Limitations.

Court ordered child support shall be owed until paid in full and it shall not be subject to a statute of limitation.

4-191. TANF Money Owed to a State or Tribe.

When a state or tribe expends TANF money for the benefit of a dependent child, the payment of the TANF money creates a support debt owed to a state or tribe by the person(s)

responsible for the support of the dependent child. The amount of the amount of support debt shall be equal to the amount of TANF money expended for the benefit of the dependent child, unless otherwise provided through a court or administrative order.

4-192. Income Assignment.

(A) Every child support order or a modification of such order shall provide for an immediate income assignment provision, regardless of whether support payments are in arrears.

(B) The income assignment shall withhold the necessary amount to comply with the child support order for the monthly obligation. If there is overdue child support, the income assignment must withhold an amount to be applied toward satisfaction of the arrears.

(C) The total amount to be withheld from an individual's income for current and past due support shall not exceed the maximum amount permitted under §303(b) of the Consumer Credit Protection Act, 15 USC §1673(b).

(D) Income shall not be subject to withholding in any case where:

(1) Either the custodial or noncustodial parent demonstrates, and the court finds there is good cause not to require immediate income withholding; or

(2) A signed written agreement is reached between the custodial and noncustodial parent, which provides for an alternative arrangement, and is approved by the court.

(E) If the obligor has multiple withholding orders, the DCSS shall allocate amounts to be withheld from each order to ensure that all orders are implemented. In no case shall an allocation result in a support obligation not being implemented.

(F) Where immediate income withholding is not in place, the income of the obligor shall become subject to withholding on the date on which the payments the obligor has failed to make are at least equal to the support payable for one month.

(G) The only basis for contesting a withholding order is a mistake of fact, which means:

(1) An error in the amount of current or overdue support, or

(2) In the identity of the alleged obligor.

(H) DCSS shall terminate income withholding in cases where there is no longer a current order for support and all arrearages have been satisfied.

(I) DCSS shall seek a refund from the obligee for amounts which have been improperly withheld.

(J) DCSS shall be responsible to receive and process income withholding orders from any state, tribe, or other entity; and to ensure such orders are properly and promptly registered in the Delaware Tribe of Indians Court and served on employers located within the Tribe's jurisdiction.

(K) The income assignment issued pursuant to this section shall remain in effect as long as any support monies are owed. Payment of any support monies shall not prevent the income assignment from taking effect.

(L) Nothing in this section shall limit the authority of DCSS to use its administrative powers conferred by law to collect delinquent support without the necessity of a court order.

4-193. Voluntary Income Assignment.

An obligor may execute a voluntary income assignment at any time. The voluntary assignment shall be filed with the court and take effect after service on the employer.

4-194. Employer, Notice of Income Assignment, Requirements.

(A) DCSS shall send the employer notice of the income assignment using the standard federal form prescribed by United States Secretary of Department of Health and Human Services.

(B) The income withholding shall take effect on the next pay period of the obligor after the employer receives notice. The employer shall withhold the amounts specified in the notice during each pay period. The amounts withheld shall be sent to DCSS within seven (7) business days after the date upon which the obligor is paid. The employer shall include with each payment a report that states the date the amount was withheld from the obligor's income.

(C) The amount withheld, including any fee under this section, by the employer shall not exceed the limits permitted under §303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673 (b).

(D) If the amount of support due in the notice exceeds the maximum authorized under subsection C of this section, the employer shall pay the amount due up to the statutory limit and send written notice to DCSS or person designated to receive payments that the amount due exceeds the amount subject to withholding.

(E) The employer shall notify DCSS within ten (10) days of the date when the obligor terminates employment and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

(F) If the employer fails to withhold in accordance with the provisions of the income assignment order, the employer will be liable for the accumulated amount the employer

should have withheld and paid from the obligor's income.

(G) The employer may not discipline, suspend, discharge, or refuse to employ an obligor because of an income assignment. Any employer who violates this section shall be subject to a civil fine of \$500 for unlawful discipline, suspension, discharge, or refusal to employ.

(H) The employer may combine withheld amounts from two or more obligors' income in a single payment to each appropriate agency requesting withholding and separately identify the portion of the single payment which is attributable to each individual obligor.

(I) The income assignment is binding on the employer until further notice by DCSS.

(J) Any payment made pursuant to the provisions of this section by the employer shall be made payable to DCSS.

(K) An income assignment issued pursuant to this section shall have priority over any other subsequent garnishments against the same income.

(L) The employer may deduct from the income of the obligor a sum not exceeding Five Dollars (\$5.00) per pay period but not to exceed Ten Dollars (\$10.00) per month as reimbursements for costs incurred by the employer in complying with the income assignment.

(M) The income assignment applies to any current or subsequent employer. If the obligor changes employment where an income assignment is in place, DCSS shall notify the new employer pursuant to this section that the income assignment is binding on the new employer.

(N) Two or more income assignments may be levied concurrently. Any current support due shall be paid before the payment of any arrearages or support debt payment.

(O) The employer shall verify the obligor's address, employment, earnings, income, benefits, and dependent health insurance information upon request of DCSS.

4-195. Registration of Foreign Child Support Oder.

(A) Any other state or tribal child support order shall be registered with the court for the purpose of obtaining jurisdiction for enforcement of the withholding.

(B) After registration of a foreign child support order, the DCSS shall notify the obligor that the child support order has been registered with the Tribe and is a valid order and enforceable as if originally issued in the Tribe's court.

CHAPTER 5

CHILD SUPPORT ENFORCEMENT

4-196. General.

- (A) DCSS may initiate an enforcement proceeding that includes, but is not limited to:
 - (1) enforcement of current child support payments.
 - (2) establishment and enforcement of a child support judgment, and
 - (3) review and modification of child support orders.
- (B) DCSS may use applicable child support enforcement remedies in accordance with Title IV-D rules and regulations that include, but are not limited to: income withholding; requesting revocation of a state hunting and fishing licenses, and professional licenses; consumer credit reporting; request passport denial; use of cooperative state and federal income tax refund intercept programs; use of lien and levy; contempt proceedings; and, any other civil remedy available for the enforcement of a child support order or judgment.
- (C) An action to enforce child support may be brought by the DCSS, parent, guardian, child, or other public agency responsible for the support of the child.
- (D) The DCSS is authorized to initiate legal action and appeal orders as necessary to implement the provisions of this section.

4-197. Judgment For Arrearage.

- (A) When an obligor fails to pay current child support and an arrearage accumulates, said arrearage becomes a judgment by operation of law, and becomes effective on and after the scheduled payment date in the child support order.
- (B) A party or the DCSS may initiate an action to obtain a formal order of judgment from the Court; however, a judgment by operation of law shall have the full force and effect of a judgment of the court and shall be enforced under the laws of the Tribe and/or in accordance to the laws of the adjudicating court.
- (C) A judgment shall be accorded full faith and credit with other tribes and states.
- (D) A child support judgment is not subject to retroactive modification by the tribe or by any other tribe or state except that the court may permit a modification with respect to any period during which there is pending a petition for modification, but only from the date that notice of such petition has been given to the obligee or (where the obligee is the petitioner) to the obligor.
- (E) A child support judgment shall not become dormant for any purpose. DCSS shall follow applicable laws regarding judgments and liens.

(F) Except as otherwise provided, a judgment for past due child support shall be enforceable until paid in full.

4-198. Arrearage.

(A) The court shall determine the amount of arrearage of any child support obligation and set a payment schedule.

(B) The parties may voluntarily agree on an arrearage payment schedule, subject to approval by the court.

(C) Any amounts determined to be past due by the court may be subsequently enforced by indirect civil contempt proceedings.

4-199. Liens, Workers Compensation, Release.

(A) Liens arise by operation of law against real and personal property for amounts of overdue support owed by an obligor who resides or owns property within a state.

(B) Past due child support shall become a lien by operation of law upon the real and personal property of the obligor at the time they become past due.

(C) A judgment or order for current support or an arrearage of child support shall be a lien upon real property owned by the obligor or upon any real property which may be acquired by the obligor prior to the release of the lien.

(D) The DCSS shall comply with the rules and procedures regarding the recording and service of a lien or extension of a lien on personal and real property within a state or tribe in accordance with the applicable law.

(E) The judgment or order shall not become a lien for any sums prior to the date they severally become due and payable.

(F) A judgment for an arrearage of child support shall become a lien upon benefits payable as a lump sum received from a worker's compensation claim of the obligor. The filing and service for a workers compensation claim for child support shall follow applicable state workers compensation statutes.

(G) The provisions of this section shall not authorize the sale of any property to enforce a lien which is otherwise exempted by tribal, state or federal law.

(H) A lien shall be released upon the full payment of the amount of the arrearage.

(I) All liens shall be given full faith and credit.

4-200. Tribal and Individual Exempted Property.

Tribal religious and/or ceremonial property, individual tribal trust property, individual religious and/or ceremonial property, and Individual Indian Money (IIM) accounts are exempt from liens.

4-201. Initiated Income Assignment, Notice, Hearing.

(A) If an income assignment has not been ordered for the collection of child support, DCSS shall initiate an income assignment when the obligor has failed to make a child support payment at least equal to the support payable for one month, regardless of whether support payments are in arrears.

(B) The only basis for contesting a withholding order under this section is a mistake of fact which means an error in the amount of current or overdue support or in the identity of the alleged obligor.

(C) In cases where the DCSS initiates an income assignment, notice to obligor shall be given and served according to law. The notice shall inform the obligor at a minimum that:

- (1) The withholding has commenced.
- (2) The amount of overdue support that is owed, if any, and the amount of wages that will be withheld.
- (3) The provision for withholding applies to any current or subsequent employer or period of employment.
- (4) The procedures available for contesting the withholding, and the only basis for contest of such withholding is a mistake of fact.
- (5) The assignment shall remain if the support order is in effect.
- (6) The payment of any support monies will not prevent an income assignment from taking effect; and
- (7) The obligor shall be required to keep the DCSS informed of the name and address of the current employer and health information.

(D) If the obligor challenges the income assignment, the obligor may request a hearing by giving written notice to the DCSS. The obligor has fifteen (15) days from the date of service of the notice to request a hearing. On receipt of the request for a hearing, the DCSS shall schedule the request on the next available court date.

(E) The court shall hear the matter and unless the obligor successfully shows there is a mistake of fact, the court shall enter an order that grants an income assignment and a judgment for arrearage, if any, and a payment schedule for the arrearage.

(F) The order shall be a final judgment for purposes of appeal.

(G) If within fifteen (15) days of date of service of the notice, the obligor fails to request a hearing, pursuant to this section, or after having requested a hearing fails to appear at the hearing, the court shall enter an order that grants an income assignment and a judgment for

arrearage, if any, and a payment schedule for the arrearage.

(H) A copy of the order shall be served upon the obligor certified mail return receipt restricted delivery or if the DCSS has an address of record, through regular mail.

(I) The obligor may voluntarily request an income assignment be initiated for the next due date, or earlier if so requested.

4-202. Spousal Support.

The DCSS is authorized to enforce an established spousal support obligation as long as a child support obligation is being enforced by DCSS and the minor child lives with the spouse or former spouse.

4-203. Revocation or Suspension of Licenses.

(A) The DCSS may initiate enforcement proceedings for the suspension or revocation of a professional license or hunting and fishing license of an obligor who is in noncompliance of a child support order.

(B) Before DCSS initiates proceedings for the suspension or revocation of a license(s), DCSS shall issue a notice to the obligor that states suspension of his/her license(s) will be sought within twenty (20) days after service, unless the obligor notifies DCSS within those twenty (20) days and:

(1) Pays the entire past-due support or enters a payment plan approved by DCSS; and/or

(2) Complies with all orders and subpoenas regarding paternity or child support.

(C) The notice to the obligor shall be served according to law.

(D) The obligor may submit a written request for a hearing to DCSS within twenty (20) days after the date of service of the notice. Upon receipt of the request for hearing, DCSS shall schedule a hearing on the next available court date.

(E) The court shall determine whether the obligor is in noncompliance with an order for support and whether an action seeking suspension or revocation of a license is appropriate or whether probation is appropriate.

(F) If an obligor fails to respond to the notice issued under this section, fails to request a timely hearing, or fails to appear at a scheduled hearing, the court shall enter an order of suspension, revocation, non-issuance, or non-renewal of a license to the licensing board and to the obligor.

(G) The order for suspension or termination of a license for noncompliance of a child

support order shall be sent to the appropriate state or tribal licensing board.

(H) For licenses issued by the state, DCSS shall follow applicable state statutes.

4-204. Probation.

The Court may grant probation if the obligor enters a court ordered payment plan to repay past due support and provides proof that the obligor is complying with all other orders for support. Probation shall be conditioned upon full compliance with the order(s). If the court grants probation, the probationary period shall not exceed three years and the terms of the probation shall provide for alternative sentencing, revocation of licenses or any other enforcement provision if the obligor does not fully comply with the order.

4-205. Reinstatement, Termination of Orders.

(A) An obligor whose license(s) have been revoked or suspended may request in writing to DCSS that the license(s) be reinstated.

(B) The court may order reinstatement of the obligor's license if the obligor has paid either:

- (1) The current child support and monthly arrearage payments for the current month and two months immediately preceding, or
- (2) Paid an amount equivalent to three months of child support and arrearage payments, and
- (3) Is in full compliance with other provisions of the support order.

(C) If DCSS proceeds to terminate an order for revocation or suspension of a license, DCSS shall serve on the obligee a copy of the motion for reinstatement of the obligor's licenses and notice of hearing. The motion and notice may be sent by regular mail if there is an address of record on file with DCSS or served according to law.

(D) If the license is reinstated, a copy of the order reinstating a license shall be sent to the obligee and obligor and appropriate state or tribal licensing board.

(E) If the obligor's license is reinstated and he/she fails to make child support payments, the obligor's license(s) may again be suspended or revoked.

(F) DCSS shall proceed to terminate an order for suspension or revocation when the obligor has paid his child support debt in full, without the necessity of a hearing. The order to reinstate a license shall be sent to the obligor and obligee and appropriate state or tribal licensing board.

(G) For licenses issued by the state or another tribe, DCSS shall follow applicable state or tribal statutes.

4-206. Employment, Find-job Order.

(A) **Employment Requirement.** A person who is ordered to pay child support through either court or administrative action shall be required to maintain employment to meet his or her child support obligation.

(B) **Action for Order for Employment.** If an obligor is in arrears for child support in an amount greater than three (3) times the obligor's total monthly support payments and is not in compliance with a written payment plan, and the obligor claims inability to pay court-ordered child support because of unemployment or underemployment, DCSS may initiate an action to obtain an order to require an unemployed or underemployed obligor to find employment through job search programs or job-training programs. To initiate such action, the DCSS must schedule an administrative conference with the obligor or a court hearing to determine if he or she is noncompliance because of unemployment or underemployment.

(C) **Notice to Obligor.** Notice of the administrative conference or court hearing shall be sent to the obligor in noncompliance with a child support order because of unemployment or underemployment through one of the following methods: (i) first-class mail to the obligor's last known address with a certificate of mailing; (ii) certified mail, return receipt restricted delivery; or (iii) personal service with proof of service certificate. The notice shall include the following information:

- (1) The name of the obligor.
- (2) The name of the obligee and the child or children for whom support is owed.
- (3) The telephone number and contact number for DCSS; and
- (4) Statements that the obligor is in noncompliance with a court or administrative support order and the amount of the past due support; the time, date and place of a court hearing set in said matter, the consequences of the obligor's failure to appear at the said hearing or conference, the obligor's burden of proof at the hearing or conference, and a description of the order that may be issued following the hearing or conference, all as set forth in sub-sections (D) and (E) of this section;

(D) **Hearing; Order.** The obligor shall be responsible for providing documentation for good cause not to participate in an employment search or job training program. If the obligor fails to appear at the hearing or appears and is determined to be unemployed or underemployed, the Court shall enter a find-job order setting forth such findings and directing the obligor to participate in job-finding or job-training programs and accept available employment. Such order may require the obligor to register with a state and/or tribal employment agency for employment or job training. The order shall require the obligor to file a weekly report with DCSS showing at least five (5) attempts to find employment, including the name, address and phone number of a contact person with whom the obligor sought employment. A copy of the order will be mailed to the obligor by first-class mail with a certificate of mailing.

(E) **Failure to Comply.** If an obligor fails to report or otherwise comply with a find-

job order without good cause, enforcement proceedings may be initiated against the obligor. The obligor shall be responsible for the verification of any reason for noncompliance with a find-job order.

(F) Order Duration. The duration of the order shall not exceed three (3) months.

4-207. Passport Denial.

DCSS may refer a judgment for child support to the Secretary of Health and Human Services for passport denial, revocation, or restriction pursuant to Title IV-D rules and regulations.

4-208. Reporting to Consumer Reporting Agency.

(A) DCSS may report to a consumer reporting agency the name of an obligor who is delinquent in the payment of support and the amount of overdue support owed by the obligor.

(B) The obligor shall be notified before the release of the information to the consumer reporting agency and given a reasonable opportunity to contest the accuracy of such information.

(C) Information shall be given only to an entity that has furnished evidence satisfactory to the DCSS that it is a consumer reporting agency as so defined in 15 USC §1681a(f).

4-209. State and Federal Tax Offset Programs, Administrative Offset.

(A) DCSS may use a state tax intercept program by agreement of the state to collect child support debts.

(B) DCSS may use the federal tax intercept program through a cooperative agreement with the state, or other means, to collect child support debts.

(C) DCSS may use administrative offsets to collect child support debts.

4-210. Indirect Civil Contempt.

(A) DCSS may initiate indirect civil contempt proceedings or any other pleading to secure compliance with a child support order.

(B) In a proceeding for indirect contempt, the pleading must be verified through affidavit of the party initiating the proceeding. The obligor shall be served by personal service or certified mail, return receipt.

(C) In a proceeding for contempt, prima facie evidence of an indirect civil contempt of court shall be held when:

(1) Proof that:

- (a) The child support order was made, filed, and served on the obligor; or
- (b) The obligor had actual knowledge of the existence of the order; or
- (c) The order was granted by default after prior due process notice to the parent; or
- (d) The parent was present in court at the time the order was announced, and

(2) The obligor is in noncompliance with the order.

(D) Unless otherwise provided by law, punishment for direct or indirect contempt shall be the imposition of a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in jail not exceeding six (6) months, or by both, at the discretion of the court.

(E) If a contemner is committed to the custody of the sheriff to serve the sentence imposed by the court, the contemner may thereafter only be discharged from the custody of the sheriff:

- (1) Upon payment in full of the adjudicated arrearage.
- (2) Upon serving the full sentence; or
- (3) Upon an agreement by the parties as to payment of the arrearages, subject to any conditions and approval by the court.
- (4) Upon payment of a lump sum amount to be determined by the Court. The Court shall determine the amount by:
 - (a) the circumstances giving rise to the contempt.
 - (b) the total amount of the adjudicated arrearage; and
 - (c) evidence of the obligor's attempts to reduce the arrearage prior to the contempt proceeding.

(F) Contemners incarcerated pursuant to this section shall not be given credit for good time, trustee time, or any other credit for time served. Contemners incarcerated pursuant to the provisions of this section shall serve flat time; and

(G) Contemners shall be required to reimburse the Delaware Tribe for any and all incarceration fees.

4-211. Purge Fee, Referral.

(A) When an obligor is found guilty of indirect contempt of court for failure to pay child support or other court ordered provisions for child support, the obligor may purge the contempt through a payment plan that requires:

(1) The obligor to make current support payments as well as paying the arrearage or some portion thereof by either paying the full amount of the arrearage or if the full amount of the arrearage is not paid in a lump sum, then by making additional monthly payments, exclusive of day care expenses.

(2) The arrearage payments made under this section shall be applied to reduce the amount of child support arrearage.

(B) The arrearage payments made under this section shall continue until the child support arrearage has been paid in full, at which time the contempt shall be deemed purged.

(C) If an obligor is found guilty of indirect contempt, the court may refer the contemner to a state or tribal employment program, in accordance with Section 511 for employment services or training as a condition of probation. If the obligor fails to comply with the state or tribal employment program requirements, the obligor shall be sentenced accordingly.

4-212. Waivers or Credits, Payments to Children.

(A) The obligee may waive or give credit for past due child support.

(B) No waiver or credit is allowed for tribal, federal, or state owed money, unless waived by the tribal, state or federal agency that issued the money.

(C) Payments made directly to child(ren) are considered gifts to the child(ren).

(D) Payments made directly to the Obligee shall be considered a gift unless the Obligee executes the appropriate documentation of direct pay.

4-213. Exceptions to Enforcement Proceedings.

(A) An obligor who currently receives TANF payments or any other state or tribal public assistance benefits, shall not be subject to contempt proceedings.

(B) An obligor who claims unemployment because of a physical and/or mental health problem shall provide documentation of such claim by a licensed physician or licensed mental health professional. The obligor shall be responsible for providing documentation of the physical or mental health treatment plan with the time it may take to complete the plan. Upon completion of the treatment plan, the terms regarding unemployment in subsection D of this section shall be in force.

(C) An obligor who claims unemployment because of a physical or mental disability shall provide documentation that he or she has applied for disability determination with the Social Security Administration. The obligor shall provide to the court documentation that he or she has applied to an agency offering rehabilitation services for assistance in becoming employable. If the obligor is determined to be employable by the rehabilitation services program, the obligor shall provide documentation that such parent has made every effort to cooperate in obtaining employment pursuant to subsection D of this section.

(D) An obligor who claims unemployment in subsection B and C shall be required to register with the state employment security commission or a state and/or tribal employment agency for employment. The obligor is responsible for making a good faith effort to obtain employment either through the employment services and personal initiative, providing documentation of employment registration to the court, and providing documentation of an employment application. The obligor must demonstrate he or she is actively seeking employment and/or training as provided by the employment agency and is willing to work.

(E) These provisions shall not apply to an only parent caring for the child or children in the home when daycare services are not available or when it is unreasonable to place the child or children in day care services.

(F) Child Support obligations shall continue to accrue at the amount of the most recent order until such time as the case is modified or meets the requirements for case closure subject to the federal requirements. Enforcement actions, except for contempt, shall continue until and such time as the Court orders otherwise.

4-214. Interest.

DCSS shall not charge interest on past due support obligations stemming from tribal court orders; however, DCSS shall charge the statutory rate of interest on state-owed, or other tribal-owed judgments as required by full faith and credit.

4-215. Expedited Procedures.

(A) DCSS has the authority to enter orders in the following actions without the necessity of obtaining an order from any other judicial or administrative court:

- (1)** To require both parents to appear for genetic testing in cases where paternity has not been established or admitted.
- (2)** To subpoena any financial or other information needed to establish, modify, or enforce a support order; provided that the subpoena complies with applicable tribal, federal or state statutes.
- (3)** In cases where there is support arrearages, to secure assets by:
 - (a)** intercepting or seizing periodic or lump-sum payments from:
 - (i)** a state or local agency, including unemployment compensation, workers' compensation, and other benefits; and
 - (ii)** judgments, settlements, and lotteries.
 - (b)** attaching and seizing assets of the obligor held in financial institutions.
 - (c)** attaching public and private retirement funds; and
 - (d)** imposing liens in accordance with this Code.

- (4) To increase the amount of monthly support payments to include amounts for the purpose of securing overdue support.
- (5) If an income assignment is not ordered or in place by operation of law, DCSS is authorized to implement income withholding.
- (6) To obtain access, subject to safeguards on privacy and information security, and subject to the non-liability of entities that afford such access under this subparagraph, to information contained in the following records.

- (a) Records of other state and local government agencies, including i.) vital statistics; ii.) state and local tax and revenue records; iii.) records concerning real and titled personal property; iv.) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnership, and other business entities; v.) employment security records; vi.) records of agencies administering public assistance programs; vii.) records of the motor vehicle department; and viii.) corrections records.

- (b) Certain records held by private entities with respect to individuals who owe or are owed support, consisting of: i.) the names of addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena; and ii.) information on such individuals held by financial institutions.

(B) Such procedures listed in subsection A of this section shall follow due process safeguards, including (as appropriate) notice to the obligor, opportunity for obligor to contest the action and opportunity for appeal.

4-216. Reimbursement of Costs.

DCSS shall seek reasonable costs against the obligor in the enforcement of child support cases. These costs include, but are not limited to: court filing fees, process server fees, mailing fees, genetic testing fees and incarceration fees.

4-217. Bankruptcy.

Current and past due child support owed on behalf of a child is not dischargeable by bankruptcy.

ADDENDUM I

GENERAL INSTRUCTIONS FOR USE OF CHILD SUPPORT COMPUTATION

The Delaware Tribe of Indians Child Support Guidelines are the basis for establishing and reviewing child support orders, including cases settled by agreement of the parties. Judges and/or

hearing officers must follow the guidelines and the court shall consider all relevant evidence presented in setting an amount of child support.

The Net Parental Child Support Obligation is calculated by completing a Child Support Worksheet (Addendum I).

The calculation of the respective parental child support obligations on Line D.9 of the worksheet is a rebuttable presumption of a reasonable child support order. If a party alleges that the Line D.9 support amount is unjust or inappropriate in a particular case, the party seeking the adjustment has the burden of proof to show that an adjustment should apply. If the court finds from relevant evidence that it is in the best interest of the child to make an adjustment, the court shall complete Section E of the Child Support Worksheet. The completion of Section E of the worksheet shall constitute the written findings for deviating from the rebuttable presumption.

DEFINITIONS AND EXPLANATION

A. Child Support

The purpose of child support is to provide for the needs of the child. The needs of the child are not limited to direct expenses for food, clothing, school, and entertainment. Child support is also to be used to provide for housing, utilities, transportation, and other indirect expenses related to the day-to-day care and well-being of the child.

B. Child Support Worksheet

The worksheet should contain the actual calculation of the child support based on Child Support Income, Work-Related Childcare Costs, Health, Dental, Orthodontic, and Optometric Insurance Premiums, and any Child Support Adjustments.

C. Child Support Schedules

The Child Support Schedule is adopted by the Delaware Tribe of Indians. The schedule is based upon national data regarding average family expenditures for children, which vary depending upon three major factors: the parents' combined income, the number of children in the family, and the ages of the children. The schedules take into consideration that income deductions for social security, federal retirement, and federal and state income taxes, as well as property taxes on owner-occupied housing, are not available to the family for spending. Thus, although the schedules use combined gross monthly income as an index that identifies values in the child support schedules, the entries in the schedules used to calculate the actual child support obligation are based upon either consumption spending or after-tax income, whichever is lower. The schedules also include a built-in reduction from average expenditures per child (the dissolution burden), because of the financial impact on the family of maintaining two households instead of one.

D. Domestic Gross Income--Wage Earner

The Domestic Gross Income for the wage earner is income from all sources, including that which is regularly or periodically received, excluding public assistance and child support received for other children in the residency of either parent. For purposes of these guidelines, the term “public assistance” means all income, whether in cash or in-kind, which is received from public sources and for which the recipient is eligible based on financial need. It includes, but is not limited to, Supplemental Security Income (SSI), Earned Income Credit (EIC), food stamps, Temporary Assistance for Needy Families (TANF), General Assistance (GA), Medicaid, Low Income Energy Assistance Program (LIEAP), Section 8, and other forms of public housing assistance.

It may be necessary for the court to consider historical information and the seasonal nature of employment. For example, if overtime is regularly earned by one of the parties, then a historical average of one year should be considered.

In instances where one or both of the parties is employed by a branch of the armed forces or is called to active duty by a branch of the armed forces, then the court shall include the basic pay of the party plus Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS). The court may consider cost of living differences in determining the Domestic Gross Income.

Frequently, a wage earner's income is adjusted for a salary reduction arrangement for qualified benefits offered under a cafeteria plan. In such cases, the use of gross wages (total income before any salary reduction amounts) results in the simplest and fairest application of the guidelines. Therefore, the gross income of the wage earner, regardless of whether it is taxable or nontaxable, is to be used to compute child support payments.

E. Income Computation - Self-Employed

(1) Self-Employment Gross Income. Self-Employment Gross Income is income from self-employment and all other income including that which is regularly and periodically received from any source excluding public assistance and child support received for other children in the residency of either parent.

(2) Reasonable Business Expenses. In cases of self-employed persons, Reasonable Business Expenses are those actual expenditures reasonably necessary for the production of income. Depreciation shall be included only if it is shown that it is reasonably necessary for production of income. Reasonable Business Expenses shall include the additional self-employment tax paid over and above the FICA rate.

(3) Domestic Gross Income - Self-Employed Domestic Gross Income for self-employed persons is self-employment gross income less Reasonable Business Expenses.

F. Imputed Income

(1) Income may be imputed to the parent not having primary residency in appropriate circumstances, including the following:

(a) Absent substantial justification, it should be assumed that a parent is able to earn at least the federal minimum wage and to work 40 hours per week.

(b) When a parent is deliberately unemployed, although capable of working full-time, employment potential and probable earnings may be based on the parent's recent work history, occupational skills, and the prevailing job opportunities in the community.

(c) If a parent is terminated from employment for misconduct, rather than laid off, their previous wage may be imputed, but shall not be less than federal minimum wage.

(d) When a parent receives significant in-kind payments that reduce personal living expenses because of employment, such as a company car, free housing, or reimbursed meals, the value of such reimbursement should be added to gross income.

(e) When there is evidence that a parent is deliberately underemployed for the purpose of avoiding child support, the court may evaluate the circumstances to determine whether actual or potential earnings should be used.

(2) Income may be imputed to the parent having primary residency in appropriate circumstances but should not result in a higher support obligation for the other parent.

G. Child Support Income

Child Support Income is the Domestic Gross Income after adjustments for child support paid in other cases and for maintenance paid or received in the present case or other cases.

H. Child Support Adjustments

Child Support Adjustments are considerations of additions or subtractions from the Net Parental Child Support Obligation to be made if in the best interests of the child.

ADDENDUM I

DELAWARE TRIBE OF INDIANS CHILD SUPPORT GUIDELINES

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APPENDIX I

Child Support Worksheet

APPENDIX II

Child Support Schedules

I. USE OF THE GUIDELINES

The Delaware Tribe Child Support Guidelines are the basis for establishing and reviewing child support orders within the Delaware Tribe of Indians' jurisdiction. The Court shall consider all evidence relative to the establishment of child support obligations. These guidelines must be followed.

The Net Parental Child Support Guideline is calculated by completing a Child Support Worksheet (Appendix I).

The calculation of the respective parental child support obligations on Line D.9 of the worksheet is a rebuttable presumption of a reasonable child support obligation. If a party alleges that the Line D.9 support amount is unjust or inappropriate in a particular case, the party seeking the adjustment has the burden of proof to show that an adjustment should apply. An adjustment of the support obligation requires a specific finding that the adjusted amount is in the best interest of the child and Section E of the worksheet shall be completed.

II. DEFINITIONS AND EXPLANATION

2.A. Child Support

The Delaware Tribe of Indians places a high priority upon the welfare of children and the responsibility of parents to support them financially and emotionally.

The purposes of the child support guidelines are to:

- 1) Establish as policy an adequate standard of support for minor children, subject to the ability of parents to pay.
- (2) Make support payments equitable by ensuring consistent treatment of persons in similar circumstances; and
- (3) Improve the efficiency of the court process by promoting settlements and giving guidance in establishing levels of child support to the Court, DCSS and the parties.

2.B. Child Support Worksheet

The worksheet contains the actual calculation of the child support based upon child support income, work-related childcare costs, health, dental, orthodontic, and optometric insurance premiums, and any child support adjustments.

2.C. Child Support Schedules

The child support schedules (Appendix II) are adopted by the Delaware Tribal Council. The schedules take into consideration that income deductions for social security, federal retirement, and federal and state income taxes, as well as property taxes on owner-occupied housing, are not available to the family for spending.

The schedules use combined gross monthly income as an index that identifies values in the child support schedules. The entries in the schedules used to calculate the actual child support obligation are based upon either consumption spending or after-tax income, whichever is lower.

2.D. Domestic Gross Income - Wage Earner

The domestic gross income for the wage earner is income from all sources, including that which is regularly or periodically received, excluding public assistance and child support received for other children.

2.E. Income Computation - Self Employed

2.E.1. Self-Employment Gross Income

Self-employment gross income is income from self-employment and all other income including that which is regularly and periodically received from any source excluding public assistance and child support received for other children.

2.E.2. Reasonable Business Expense

Self-employed income is subject to reasonable business expenses. Reasonable business expenses are those actual expenses reasonably necessary to produce income. Depreciation shall be included only if it is shown that it is reasonably necessary to produce income. Reasonable business expenses shall include the additional self-employment tax paid over and above the FICA rate.

2.E.3. Domestic Gross Income

Domestic gross income for self-employed individuals is self-employment gross income less reasonable business expenses.

2.F. Imputed Income

2.F.1. Income may be imputed to either parent in appropriate circumstances or with a specific finding of the Court that said the imputed amount is in the best interests of the minor child.

2.F.2. Absent substantial justification, it is assumed that a parent can earn at least the federal minimum wage and to work 40 hours per week. Incarceration is not a substantial justification.

2.F.3. When a parent is deliberately unemployed, but capable of working, employment potential and probable earnings may be based on the parent's recent work history, occupational skills, and the community's employment opportunities.

2.F.4. If a parent is terminated from employment for misconduct, their previous wage may be imputed, but shall not be less than minimum wage.

2.F.5. When a parent receives in-kind payment or reimbursement that reduces personal living expenses because of employment, (e.g. company car, free housing, or reimbursed meals) the value of such in-kind payment or reimbursement should be added to gross income.

2.F.6. When there is evidence that a parent is deliberately unemployed or underemployed for the purpose of avoiding child support, the Court shall consider the relevant circumstances and determine the appropriate amount of actual or potential earnings to be used in the computation.

2.F.7. Income may be imputed to the parent having primary residency in appropriate circumstances but should not result in a higher support obligation for the other parent.

2. G. Child Support Income

Child support income is the domestic gross income after adjustments for child support paid in other cases for maintenance paid or received in the present case or other cases.

2.H. Child Support Adjustments

Child support adjustments are those amounts added or subtracted from the net parental child support obligation and which are made in the best interests of the child.

III. GENERAL INSTRUCTIONS

3.A. Documentation

A worksheet approved by the Court shall be filed in every case where an order of child support is entered.

3.B. Applications

3.B.1. Rounding

- (1) Calculations should be rounded to the nearest tenth for percentages.
- (2) Calculations should be rounded to the nearest dollar in all instances
- (3) Child support schedules for income amounts not shown, should be rounded to the nearest basic child support obligation amount.

3.B.2. Age

Determination of the age of the child shall be based upon the child's nearest birthday.

3.B.3. Income Beyond the Child Support Schedule

If the combined child support income exceeds the highest amount shown on the schedules, the Court shall exercise discretion by considering what amount of child support shall be set in addition to the highest amount on the schedule.

3.B.4 More than Six Children

If the parties have more than six (6) children, support shall be based upon the established needs of the children and be greater than the amount of support listed on the schedule for six children.

3.B.5. Divided Residency Situations

Divided residency is the circumstance when parents have two or more children, and each parent has residency of one or more of the children. In these situations, a worksheet should be

completed for each parent using the child support schedule. Upon completion of the worksheets, the lower net parental child support obligation is subtracted from the higher amount. The party having the higher support obligations shall pay the difference.

3.B.6. Multiple Family Application

The multiple-family application may be used to adjust the child support obligation of the parent not having primary residency when that parent has legal financial responsibility for the support of other children who reside with that parent.

If the parent not having primary residency has children by another relationship who reside with him/her, the child support schedule representing the total number of children the parent not having primary legal residency has but is legally obligated to support, should be used to determine the basic support obligation.

3.B.7. Sharing Equal or Nearly Equal Time and Expenses

This application of the guidelines is discretionary to the Court. To qualify for shared residency custody treatment, the parties must share the children's time on an equal or nearly equal basis, excluding extended visitation times (i.e. summer visitation, holidays, etc.) In addition, the parties must be sharing the direct expenses of the child.

The use of the shared expense formula shall be ordered only after the Court has approved the following requirements:

- (1) Equal parenting time is in the best interest of the child.
- (2) A detailed written agreement to share expenses has been submitted to the Court.
- (3) Unreimbursed health expenses are divided pursuant to the parties' income.
- (4) Direct expenses may be shared by dividing expenses or offsetting expenses.
- (5) A worksheet representing the shared time and expense is submitted.
- (6) The parties must address the means for how the expense plan will be modified or terminated. No plan shall be unilaterally modified or terminated.

The Shared Expense Calculation using one worksheet. The amount of the lower adjusted subtotal (Line F.3) is subtracted from the higher adjusted subtotal and the difference is multiplied by .50. The resulting amount is the child support the party having the higher obligation will pay the party having the lower obligation.

3.B.8 Equal Parenting Time Formula

Use of the Equal Parenting Time Formula is discretionary to the Court and may be used to set child support when the court determines that:

- (1) A shared residential custody arrangement is in the best interest of the minor child.
- (2) The parents share the child's time equally or nearly equally; and
- (3) The shared expense formula is otherwise not agreeable or reasonable.

Calculating the Equal Parenting Time formula is set forth below:

- (1) The amount of the lower adjusted subtotal on Line F.3 shall be subtracted from the higher adjusted subtotal on Line F.3. The resulting figure shall be divided in two and shall constitute the amount of support.
- (2) Unless otherwise ordered by the Court, parents are presumed to provide the child's clothing in their own home. The formula shall include:
 - (a) For parents providing clothing for the child in their own home, the Line D.3 child support obligation figure will be multiplied as follows:
 - (i) 10% of total combined monthly child support income on Line D.1 is equal to or less than \$4,690;
 - (ii) 12% of total combined monthly support income on Line D.1. is more than \$4,690 and less than \$8,125.
 - (iii) 15% of total combined monthly child support income on Line D.1. is more than \$8,125.
 - (b) For parents who do not provide the child's clothing in their own home, Line D.3. child support obligation amount will be multiplied as follows:
 - (i) 13% of total combined monthly child support income on Line D.1. is equal to or less than \$4,690.
 - (ii) 15% of total combined monthly child support income on Line D.1. is more than \$4,690 and less than \$8,125.
 - (iii) 18% of total combined monthly child support income on Line D.1. is equal to or greater than \$8,125.
- (3) Payment of all direct expenses shall require the following formula:
 - (a) If the parent with the lower adjusted subtotal from Line F.3 of the child support worksheet (the parent receiving support) is responsible for paying all direct expenses of the child, the resulting figure from Step 1 above shall be added to the resulting figure from either Step 2.a or Step 2.b. The result shall be the amount the parent with the higher support obligation on Line F.3 shall pay to the other parent.
 - (b) If the parent with the higher adjusted subtotal from Line F.3 (the parent paying support) is responsible for paying all direct expenses of the child, the resulting figure from either Step 2.a or Step 2.b shall be subtracted from the resulting figure from Step 1. The result shall be the amount the parent with the higher support obligation on Line F.3 pays to the parent with the lower support obligation on Line F.3

3.B.9 Residence with a Third Party

If the child is residing with a third party, the Court shall order each of the parties to pay to the third party their respective amounts of child support as determined by the worksheet.

3.B.10 Birth Expenses

If a judgment for birth expenses is awarded, the presumed amount is the parent's proportionate share as reflected in Line D.2 of the worksheet. If a parent's proportionate share of the birth expenses is more than 5% of the parent's current gross income projected over five (5) years, the parent may request a deviation from the presumed amount.

IV. SPECIFIC INSTRUCTIONS FOR THE WORKSHEET

4.A Income Computation - Wage Earner (Section A)

Section A of the worksheet determines the domestic gross income for wage earners. The amount of the domestic gross income is entered on Line A.1. and also on Line C.1.

4.B. Income Computation - Self Employed (Section B)

Section B of the worksheet determines the domestic gross income (Line B.3) for self-employed persons. Reasonable business expenses (Line B.2) will be deducted from the self-employment gross income (Line B.1). The resulting amount on Line B.3 is also entered on Line C.1.

4.C. Adjustments to Domestic Gross Income (Section C)

This section contains adjustments to domestic gross income for individuals who are wage earners in Section A or self-employed persons in Section B or the worksheet. The payment of child support arrearages shall not be deducted. The following adjustments to domestic gross income may be appropriate in individual circumstances:

4.C.1. Domestic Gross Income (Line C.1)

This amount is transferred from either Line A.1 or Line B.3 above or both, if applicable.

4.C.2. Court Ordered Child Support Paid (Line C.2)

Child support obligations in other cases shall be deducted to the extent that support is actually paid. The amounts are entered on Line C.2. The payment of child support arrearages shall not be deducted.

4.C.3 Court Ordered Maintenance Paid (Line C.3)

The amount of court ordered maintenance paid pursuant to a court order in this or a prior court case shall be deducted to the extent that the maintenance is actually paid. This amount is entered on Line C.3.

4.C.4 Court Ordered Maintenance Received (Line C.4)

The amount of any court-ordered maintenance received by a party pursuant to a court order in this amount or a prior court case shall be added as income to the extent that the maintenance is received and not for arrearages. This amount is entered on Line C.4.

4.C.5 Child Support Income (Line C. 5)

The result of the adjustments to the domestic gross income is entered on Line C.5 of the worksheet and then transferred to Line D.1

4.D Computation of Child Support (Section D)

4.D.1. Child Support Income (Line D.1)

The child support income amount is transferred from Line C.5. The amounts for the parties are added together for the Combined Child Support Income amount.

4.D.2. Proportionate Shares of Combined Income (Line D.2)

To determine each parent's proportionate share of the combined child support income, each parent's child support income is divided by the total of the combined child support income. These percentages are entered on Line D.2.

4.D.3 Gross Child Support Obligation (Line D.3)

The gross child support obligation is determined using the child support schedules. The child support schedules have three major factors: the number of children, the combined child support income, and the age of each child.

If the multiple family application applies, then the child support schedule for the number of children the parent not having primary residency is supporting under the multiple-family application should be used.

The combined child support income amount should be identified in the left-hand column of the applicable child support schedule. The amount for each child should be identified in the appropriate age column. The amounts for all of the children should be added together to achieve the total gross child support obligation. The total gross child support obligation is entered on Line D.3.

If there is divided residency as defined in Section III, two child support schedules must be prepared.

4.D.4 Health, Dental, Orthodontic, and Optometric Expenses (Line D.4)

The cost to the parent to provide for health, dental, orthodontic, or optometric insurance coverage for the minor child is to be added to the gross child support obligation. If coverage is provided without cost to the parent or parent's household, then zero should be entered as the amount. The amount to be used is entered on Line D.4.

The court has the discretion to determine whether the proposed insurance cost is reasonable, taking into consideration the income and circumstances of each of the parties and the quality of the insurance proposed, and to make an adjustment as appropriate.

4.D.4 b. Unreimbursed Health Costs

Uninsured or unreimbursed medical expenses shall be assessed to the parties in accordance with the parties' proportional share on Line D.2 of the worksheet.

4.D.5. Work Related Childcare Costs (Line D.5)

Actual, reasonable, and necessary childcare costs paid for the purposes of employment, job search or education should be added to the support obligation. The court has the discretion to determine whether proposed or actual childcare costs are reasonable, taking into consideration the income and circumstances of each of the parties. The monthly figure is the average annual amount, including variations for summer.

4.D.6. Parent's Total Child Support Obligation (Line D.6)

The parents' total child support obligation is the sum of the gross child support obligation (Line D.4), the health, dental, orthodontic, and optometric premiums (Line D.4), and the education and work-related childcare costs (Line D.5). This amount is entered on Line D.6.

4.D.7. Parental Child Support Obligation (Line D.7)

The support obligation for each parent is determined by multiplying each parent's proportionate share shown on Line D.2 by the parents' total support obligation (Line D.6). The result is entered on Line D.7.

4.D.8 Adjustment for Health, Dental, Orthodontic, and Optometric Premiums and Education or Work-Related Childcare Costs (Line D.8)

If costs of health, dental, orthodontic, and optometric premiums and/or education or work related childcare costs are included in the total child support obligation, the parent actually making the payment is credited. The amount paid is entered in the column of the parent providing the payment on Line D.8.

4.D.9. Basic Parental Child Support Obligation (Line D.9)

The basic parental child support obligation is the parental child support obligation (Line D.7) minus the adjustment for health, dental, orthodontic, and optometric premiums and work-related childcare costs (Line D.8) and is entered on Line D.9.

4.E. Child Support Adjustments (Section E)

Child support adjustments apply only when requested by a party. If no adjustment is requested, this section does not need to be completed. All requested adjustments are discretionary with the court.

4.E.2. Parenting Time Adjustment (Line E.2.)

The Court may allow a parenting time adjustment to a parent under the following:

(1) Actual Cost Adjustment: The Court may consider: 1) the fixed obligations of the parent having primary residency that are attributable to the child and any savings because to the time spent with the non-primary residency parent; and 2) the increased cost of additional parenting time to the parent having non-primary residency. The amount allowed should be entered on Line E.2 of the worksheet.

(2) Time Formula Adjustment: The Court may consider the amount of time the parent spends with the child. If the child spends 35% or more of his/her time with the parent not having primary residency, the Court shall determine whether an adjustment in child support is appropriate. The following table may be used to assist the Court in determining the adjustment. The adjustment percentage should be averaged if there is more than one child and if the percentages are not the same for each child. The basic child support obligation (Line D.9) is then multiple by the appropriate parenting time adjustment percentage using the following table. The adjustment percentage and the amount are entered on Line E.2.

Nonresidential Parent's % Child's Time	Parenting Time Adjustment
35%-39%	-5%
40%-44%	-10%
45%-49%	-15%

(3) Extended Parenting Time Adjustment: In situations where a child spends fourteen (14) or more consecutive days with the parent not having primary residency, or when the child spends time on a shared time schedule during the summer, the support amount of the parent not having primary residency from Line F.5 (calculated without a parenting time adjustment) may be proportionately reduced by up to 50% of the monthly support from Line F.5.

(4) Non-Exercise of Parenting Time Adjustment: The court may make an adjustment based on the historical non- exercise of parenting time as set forth in the parenting plan. The amount allowed should be entered on line E.2.

4.E.3. Income Tax Considerations (Line E.3)

The parties are encouraged to maximize the tax benefits of the dependency exemption for a minor child and to share those actual economic benefits. If the parties do not agree to share the actual economic benefits of the dependency exemption for a minor child, the Court shall consider the actual economic effect to both parties and may adjust the child support.

4.E.4. Special Needs (Line E.4)

Special needs of the child are items which exceed the usual and ordinary expenses incurred, such as ongoing treatment for health problems, orthodontist care, special education, or therapy costs, which are not considered elsewhere in the support order or in computations on the worksheet.

The amount of the special needs' expenses, reduced to a monthly average, should be entered on Line E.4

4.E.5. Support of Children Beyond the Age of Majority (Line E.5.)

If the parties have a written agreement for a parent to continue to support a child beyond the age of majority, it may be considered in setting child support. The amount allowed should be entered on Line E.5.

4.E.6. Overall Financial Conditions of the Parties (Line E.6.)

The financial situation of the parties may be a reason to deviate from the calculated basic parental child support obligation if the deviation is in the best interests of the child. The amount allowed should be entered on Line E.6.

4.E.7. Total (Line E.7.)

The total of all child support adjustments allowed should be entered on Line E.7. The total(s) specified on this line should be transferred to Line F.2

4.F. Deviations from Rebuttable Presumption of Amount (Section F)

4.F.1. Basic Parental Child Support Obligation (Line F.1.)

The amount from Line D.9 above is transferred to Line F.1.

4.F.2 Total Child Support Adjustments (Line F.2)

The amount from Line E.7 above is transferred to Line F.2.

4.F.3 Adjusted Subtotal (Line F.3)

The result of adding or subtracting the total child support judgment's on Line F.2 to or from the basic parental child support obligation is entered on Line F.3.

4.F.4 Equal Parenting Time Obligation

If the shared expense formula or the equal parenting time formula is used to determine the child support obligation, the result is entered on Line F.4.

4.F.5. Net Parental Child Support Obligation (Line F.6)

The net parental child support obligation is determined by adding the enforcement fee, if any, (Line F.4) to the adjusted subtotal on Line F.3. The resulting amount is entered on Line F.5 and becomes the amount of the child support order.

4.F.7. Required Worksheet Signatures

All worksheets shall become effective orders upon signature and date of the Judge.

4.G. Payment of Child Support Obligation

Except for good cause shown and by approval of the DCSS or the Court, every order requiring payment of child support shall be paid directly to the Delaware distribution unit for collection and disbursement.

**CHILD SUPPORT COMPUTATION
IN THE DISTRICT COURT OF THE DELAWARE TRIBE OF INDIANS**

IN THE MATTER OF:

and

CASE NO. _____

		<u>MOTHER</u>	<u>FATHER</u>
A	<u>INCOME COMPUTATION -WAGE EARNER</u>	\$ _____	\$ _____
	1. Domestic Gross Income		
	(Insert on Line C.1. below)*		
 B.	 <u>INCOME COMPUTATION -SELF EMPLOYED</u>		
	1. Self-Employment Gross Income*	_____	_____
	2. Reasonable Business Expenses (-)	_____	_____
	3. Domestic Gross Income	_____	_____
	(Insert on Line C.1 below)		
 C.	 <u>ADJUSTMENTS TO GROSS INCOME</u>		
	1. Domestic Gross Income	_____	_____
	2. Court-Ordered Child Support Paid (-)	_____	_____
	3. Court-Ordered Maintenance Paid (-)	_____	_____
	4. Court-Ordered Maintenance Received (+)	_____	_____
	5. Child Support Income	_____	_____
	(Insert on Line D.1. below)		
 D.	 <u>COMPUTATION OF CHILD SUPPORT</u>		
	1. Child Support Income	_____	+ _____
			= _____
	2. Proportionate Shares of Combined Income	_____ %	_____ %
	3. Gross Child Support Obligation**		
	(Using the combined income from Line D.1., find the amount for each child and enter totals for all children)		

Age of Children	0-5		6-11		12-18		Total
Number Per Age Category	_____		_____		_____		
Total Amount	_____	+	_____	+	_____	=	_____

*Interstate Pay Differential Adjustment?	_____ Yes	_____ No
**Multiple Family Application?	_____ Yes	_____ No

	<u>MOTHER</u>		<u>FATHER</u>
4. Health and Dental Insurance Premium	\$ _____	+	\$ _____
		=	_____
5. Work-Related Childcare Costs	_____		_____
Formula: Amt. - (Amt. x %)		=	_____
Example: 200 - (200 x 30%)			
6. Parent's Total Child Support Obligation (Line D.3. plus, Lines D.4 & D.5)			_____
7. Parental Child Support Obligation (Line D.2 times Line D.6 for each parent)	_____		_____
8. Adjustment for Insurance and Child Care (Subtract for actual payment made for items D.4 and D.5)	(-) _____		_____
9. Basic Parental Child Support Obligation (Line D.7 minus Line D.8 Insert on Line F.1 below)	_____		_____

E. CHILD SUPPORT ADJUSTMENTS

			AMOUNT ALLOWED	
APPLICABLE	N/A	CATEGORY	MOTHER	FATHER
1. _____	_____	Long distance parenting costs	(+/-) _____	(+/-) _____
2. _____	_____	Parenting time adjustment	(+/-) _____	(+/-) _____
3. _____	_____	Income Tax Considerations	(+/-) _____	(+/-) _____
4. _____	_____	Special Needs	(+/-) _____	(+/-) _____
5. _____	_____	Agreement Past Majority	(+/-) _____	(+/-) _____
6. _____	_____	Overall Financial Condition	(+/-) _____	(+/-) _____
7.TOTAL (Insert on Line F.2. below)			_____	_____

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

		AMOUNT ALLOWED	
		MOTHER	FATHER
1.	Basic Parental Child Support Obligation (Line D.9 above)	_____	_____
2.	Total Child Support Adjustments (+/-) (Line E.7. from above)	_____	_____
3.	Adjusted Subtotal (Line F.1 +/- Line F.2)	_____	_____
4.	Enforcement Fee Allowance** Percentage _____%		
	(Applied to Nonresidential Parent) Flat Fee \$ _____		
	((Line F.3 x Collection Fee %) x 5)		
	or (Monthly Flat Fee x .5)	(+) _____	_____
5.	Net Parental Child Support Obligation (Line F.3 + Line F.4)	_____	_____

****Parent with non-primary residency**

JUDGE OF THE DISTRICT COURT

DATE: _____

DCSS ATTORNEY

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

ONE CHILD FAMILIES: CHILD SUPPORT SCHEDULE

Dollars Per Month Per Child											
Combined Child)	Support Amount (\$ Per Child)			Combined				Support Amount (\$ Per Child)			Support Amount Combined (\$ Per
Gross	Age Group			Gross				Age Group			Gross Age Group
Monthly	Age	Age	Age	Age	Monthly	Age	Age	Age	Monthly	Age	Age
Income	0-5	6-11	12-18	Income	0-5	6-11	12-18	Income	0-5	6-11	12-18
50	9	10	11	1650	281	323	351	4500	646	743	808
100	17	19	21	1700	288	331	360	4600	658	757	823
150	26	29	32	1750	295	339	369	4700	670	771	838
200	34	40	43	1800	302	347	377	4800	682	784	852
250	42	49	53	1850	309	355	386	4900	694	798	867
300	51	59	64	1900	316	363	395	5000	706	811	882
350	59	68	74	1950	322	371	403	5100	717	824	896
400	68	78	85	2000	330	379	412	5200	729	838	911
450	77	88	96	2100	343	395	429	5300	740	851	925
500	85	98	106	2200	357	410	446	5400	752	865	940
550	94	108	117	2300	370	426	463	5500	763	878	954
600	102	118	128	2400	383	441	479	5600	775	891	969
650	110	127	138	2500	397	456	496	5700	786	904	983
700	119	137	149	2600	410	471	512	5800	798	917	997
750	128	147	160	2700	423	487	529	5900	810	931	1012
800	136	156	170	2800	436	501	545	6000	821	944	1026
850	145	167	181	2900	449	516	561	6100	832	957	1040
900	154	177	192	3000	462	531	577	6200	843	970	1054
950	162	186	202	3100	474	546	593	6300	854	983	1068
1000	170	196	213	3200	487	560	609	6400	866	995	1082
1050	178	205	223	3300	499	574	624	6500	877	1008	1096
1100	187	215	234	3400	512	589	640	6600	888	1021	1110

1150	196	225	245	3500	525	604	656	6700	899	1034	1124
1200	204	235	255	3600	537	617	671	6800	910	1047	1138
1250	213	245	266	3700	550	632	687	6900	922	1060	1152
1300	222	255	277	3800	562	646	702	7000	933	1073	1166
1350	230	264	287	3900	574	660	717	7100	944	1086	1180
1400	238	274	298	4000	586	674	733	7200	955	1098	1194
1450	247	284	309	4100	598	688	748	7300	966	1110	1207
1500	255	293	319	4200	610	702	763	7400	977	1123	1221
1550	264	304	330	4300	622	716	778	7500	988	1136	1235
1600	272	313	340	4400	634	730	793	7600	998	1148	1248

ONE CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)
Dollars Per Month Per Child

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)				Support Amount (\$ Per Child)			
Combined Gross Monthly Age Income 12-18	Age Group			Combined Gross Monthly Age Income	Age Group			Combined Gross Monthly Age Income	Age Group		
	Age	Age	Age		Age	Age	Age		Age	Age	Age
	0-5	6-11	12-18		0-5	6-11	12-18		0-5	6-11	12-18
7700	1010	1161	1262	10400	1296	1490	1620	13100	1570	1805	1962
7800	1021	1174	1276	10500	1306	1502	1633	13200	1579	1816	1974
7900	1031	1186	1289	10600	1317	1514	1646	13300	1590	1828	1987
8000	1042	1199	1303	10700	1326	1525	1658	13400	1599	1839	1999
8100	1053	1211	1316	10800	1337	1537	1671	13500	1610	1851	2012
8200	1064	1224	1330	10900	1347	1549	1684	13600	1619	1862	2024
8300	1074	1236	1343	11000	1358	1561	1697	13700	1629	1873	2036
8400	1086	1248	1357	11100	1368	1573	1710	13800	1639	1885	2049
8500	1096	1260	1370	11200	1378	1585	1723	13900	1649	1896	2061
8600	1106	1272	1383	11300	1388	1596	1735	14000	1658	1907	2073
8700	1118	1285	1397	11400	1398	1608	1748	14100	1669	1919	2086
8800	1128	1297	1410	11500	1409	1620	1761	14200	1678	1930	2098
8900	1138	1309	1423	11600	1419	1632	1774	14300	1688	1941	2110
9000	1150	1322	1437	11700	1429	1643	1786	14400	1698	1952	2122
9100	1160	1334	1450	11800	1439	1655	1799	14500	1708	1964	2135
9200	1170	1346	1463	11900	1450	1667	1812	14600	1718	1975	2147
9300	1181	1358	1476	12000	1459	1678	1824	14700	1727	1986	2159
9400	1191	1370	1489	12100	1470	1690	1837	14800	1737	1997	2171
9500	1202	1382	1502	12200	1479	1701	1849	14900	1746	2008	2183
9600	1213	1395	1516	12300	1490	1713	1862	15000	1757	2020	2196
9700	1223	1407	1529	12400	1500	1725	1875	15100	1766	2031	2208
9800	1234	1419	1542	12500	1510	1736	1887	15200	1776	2042	2220

9900	1244	1431	1555	12600	1520	1748	1900	15300	1786	2053	2232
10000	1254	1443	1568	12700	1530	1759	1912	15400	1795	2064	2244
10100	1265	1455	1581	12800	1540	1771	1925	15500	1805	2076	2256
10200	1275	1466	1594	12900	1550	1782	1937				
10300	1286	1478	1607	13000	1560	1794	1950				

*2014 Poverty Level is \$1,650

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 3.620808565

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92

Age 0-5: Determine child support for Age 12-18 and then multiply by 0.80

TWO CHILD FAMILIES: CHILD SUPPORT SCHEDULE
Dollars Per Month Per Child

18	Support Amount			Support Amount			Support Amount					
	Combined	(\$ Per Child)		Combined	(\$ Per Child)		Combined	(\$ Per Child)				
	Gross	Age Group		Gross	Age Group		Gross	Age Group				
	Monthly Age Income	Age	Age	Age Monthly Income	Age	Age	Age Monthly Income	Age	Age			
	0-5	6-11	12-18	Income	0-5	6-11	12-18	Income	0-5	6-11	12-18	
	50	6	7	8	1650	213	245	266	4500	490	563	612
	100	13	15	16	1700	219	252	274	4600	498	573	623
	150	19	22	24	1750	226	259	282	4700	506	582	633
	200	26	29	32	1800	232	267	290	4800	515	592	644
	250	32	37	40	1850	238	274	298	4900	524	603	655
	300	38	44	48	1900	245	282	306	5000	532	612	665
	350	45	52	56	1950	251	289	314	5100	541	622	676
	400	51	59	64	2000	258	296	322	5200	549	631	686
	450	58	66	72	2100	268	308	335	5300	557	640	696
	500	65	75	81	2200	278	319	347	5400	566	650	707
	550	71	82	89	2300	288	331	360	5500	574	660	717
	600	78	89	97	2400	298	342	372	5600	582	669	727
	650	84	97	105	2500	307	353	384	5700	590	679	738
	700	90	104	113	2600	317	364	396	5800	598	688	748
	750	97	111	121	2700	326	375	408	5900	606	697	758
	800	103	119	129	2800	336	386	420	6000	614	707	768
	850	110	126	137	2900	346	397	432	6100	622	716	778
	900	116	133	145	3000	355	408	444	6200	631	726	789
	950	122	141	153	3100	365	420	456	6300	639	735	799
	1000	129	148	161	3200	374	430	467	6400	647	744	809
	1050	135	155	169	3300	383	441	479	6500	655	753	819
	1100	142	163	177	3400	392	451	490	6600	663	763	829

1150	148	170	185	3500	402	462	502	6700	670	771	838
1200	154	178	193	3600	410	472	513	6800	678	780	848
1250	161	185	201	3700	419	482	524	6900	686	789	858
1300	167	192	209	3800	428	492	535	7000	694	799	868
1350	174	200	217	3900	437	502	546	7100	702	808	878
1400	180	207	225	4000	446	512	557	7200	710	817	888
1450	187	215	234	4100	454	523	568	7300	718	825	897
1500	194	223	242	4200	463	533	579	7400	726	834	907
1550	200	230	250	4300	472	543	590	7500	734	844	917
1600	206	237	258	4400	481	553	601	7600	741	852	926

TWO CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)
Dollars Per Month Per Child

18

Combined Gross Monthly Income	Support Amount (\$ Per Child)			Combined Gross Monthly Income	Support Amount (\$ Per Child)			Combined Gross Monthly Income	Support Amount (\$ Per Child)		
	Age Group				Age Group				Age Group		
	Age	Age	Age		Age	Age	Age		Age	Age	Age
	0-5	6-11	12-18		0-5	6-11	12-18		0-5	6-11	12-
7700	749	861	936	10400	950	1092	1187	13100	1140	1311	1425
7800	757	870	946	10500	957	1100	1196	13200	1147	1319	1434
7900	764	879	955	10600	964	1109	1205	13300	1154	1328	1443
8000	772	888	965	10700	971	1117	1214	13400	1161	1335	1451
8100	779	896	974	10800	978	1125	1223	13500	1168	1343	1460
8200	787	905	984	10900	986	1133	1232	13600	1174	1351	1468
8300	794	914	993	11000	993	1142	1241	13700	1182	1359	1477
8400	802	923	1003	11100	1000	1150	1250	13800	1188	1366	1485
8500	810	931	1012	11200	1007	1158	1259	13900	1195	1374	1494
8600	818	940	1022	11300	1014	1167	1268	14000	1202	1382	1502
8700	825	949	1031	11400	1022	1175	1277	14100	1209	1390	1511
8800	832	957	1040	11500	1029	1183	1286	14200	1215	1397	1519
8900	840	966	1050	11600	1036	1191	1295	14300	1222	1406	1528

9000	847	974	1059	11700	1042	1199	1303	14400	1229	1413	1536
9100	854	983	1068	11800	1050	1207	1312	14500	1236	1421	1545
9200	862	992	1078	11900	1057	1215	1321	14600	1242	1429	1553
9300	870	1000	1087	12000	1064	1224	1330	14700	1249	1436	1561
9400	877	1008	1096	12100	1071	1232	1339	14800	1256	1444	1570
9500	884	1017	1105	12200	1078	1239	1347	14900	1262	1452	1578
9600	891	1025	1114	12300	1085	1248	1356	15000	1270	1460	1587
9700	899	1034	1124	12400	1092	1256	1365	15100	1276	1467	1595
9800	906	1042	1133	12500	1098	1263	1373	15200	1282	1475	1603
9900	914	1051	1142	12600	1106	1271	1382	15300	1290	1483	1612
10000	921	1059	1151	12700	1113	1280	1391	15400	1296	1490	1620
10100	928	1067	1160	12800	1119	1287	1399	15500	1302	1498	1628
10200	935	1075	1169	12900	1126	1295	1408				
10300	942	1084	1178	13000	1134	1304	1417				

*2014 Poverty Level is \$2,000

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 2.613196862

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92

Age 0-5: Determine child support for Age 12-18 and then multiply by 0.80

THREE CHILD FAMILIES: CHILD SUPPORT SCHEDULE

Dollars Per Month Per Child											
Combined		Support Amount (\$ Per Child)			Combined		Support Amount (\$ Per Child)			Combined	
Gross		Age Group			Gross		Age Group			Gross	
Monthly	Income	Age	Age	Age	Monthly	Income	Age	Age	Age	Monthly	Income
		0-5	6-11	12-18			0-5	6-11	12-18		
50		6	6	7	1650		185	213	231	4500	
100		11	13	14	1700		190	219	238	4600	
150		17	19	21	1750		196	225	245	4700	
200		22	26	28	1800		202	232	252	4800	
250		28	32	35	1850		207	238	259	4900	
300		34	39	42	1900		213	245	266	5000	
350		39	45	49	1950		218	251	273	5100	
400		45	52	56	2000		224	258	280	5200	
450		50	58	63	2100		235	270	294	5300	
500		56	64	70	2200		246	283	308	5400	
550		62	71	77	2300		258	296	322	5500	
600		67	77	84	2400		268	308	335	5600	
650		73	84	91	2500		277	318	346	5700	
700		78	90	98	2600		286	328	357	5800	
750		84	97	105	2700		294	338	367	5900	
800		90	103	112	2800		302	348	378	6000	
850		95	109	119	2900		310	357	388	6100	
900		101	116	126	3000		319	367	399	6200	
950		106	122	133	3100		327	376	409	6300	
1000		112	129	140	3200		335	385	419	6400	
1050		118	135	147	3300		343	395	429	6500	
1100		123	142	154	3400		352	405	440	6600	

1150	129	148	161	3500	360	414	450	6700	597	686	746
1200	134	155	168	3600	368	423	460	6800	604	695	755
1250	140	161	175	3700	376	432	470	6900	611	703	764
1300	146	167	182	3800	383	441	479	7000	618	710	772
1350	151	174	189	3900	391	450	489	7100	625	719	781
1400	157	180	196	4000	399	459	499	7200	632	727	790
1450	162	187	203	4100	407	468	509	7300	638	734	798
1500	168	193	210	4200	414	477	518	7400	646	742	807
1550	174	200	217	4300	422	486	528	7500	652	750	815
1600	179	206	224	4400	430	495	538	7600	659	758	824

THREE CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)

Dollars Per Month Per Child

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)				Support Amount (\$ Per Child)			
Combined Gross Monthly Age	Age	Age	Monthly Age	Combined Gross Monthly Age	Age	Age	Monthly Age	Combined Gross Monthly Age	Age	Age	Monthly Age
Income 0-5	6-11	12-18	Income	0-5	6-11	12-18	Income	0-5	6-11	12-18	Income
7700	666	765	832	10400	842	968	1052	13100	1008	1159	1260
7800	672	773	840	10500	848	975	1060	13200	1014	1166	1267
7900	679	781	849	10600	854	983	1068	13300	1020	1173	1275
8000	686	788	857	10700	861	990	1076	13400	1026	1179	1282
8100	693	797	866	10800	866	996	1083	13500	1032	1187	1290
8200	699	804	874	10900	873	1004	1091	13600	1038	1193	1297
8300	706	811	882	11000	879	1011	1099	13700	1043	1200	1304
8400	712	819	890	11100	886	1018	1107	13800	1050	1207	1312
8500	719	827	899	11200	892	1026	1115	13900	1055	1213	1319
8600	726	834	907	11300	898	1032	1122	14000	1062	1221	1327
8700	732	842	915	11400	904	1040	1130	14100	1067	1227	1334
8800	738	849	923	11500	910	1047	1138	14200	1073	1234	1341
8900	746	857	932	11600	917	1054	1146	14300	1079	1241	1349
9000	752	865	940	11700	922	1061	1153	14400	1085	1248	1356

9100	758	872	948	11800	929	1068	1161	14500	1090	1254	1363
9200	765	880	956	11900	935	1075	1169	14600	1097	1261	1371
9300	771	887	964	12000	941	1082	1176	14700	1102	1268	1378
9400	778	894	972	12100	947	1089	1184	14800	1108	1274	1385
9500	784	902	980	12200	954	1097	1192	14900	1114	1282	1393
9600	790	909	988	12300	959	1103	1199	15000	1120	1288	1400
9700	797	916	996	12400	966	1110	1207	15100	1126	1294	1407
9800	803	924	1004	12500	971	1117	1214	15200	1132	1302	1415
9900	810	931	1012	12600	978	1124	1222	15300	1138	1308	1422
10000	816	938	1020	12700	983	1131	1229	15400	1143	1315	1429
10100	822	946	1028	12800	990	1138	1237	15500	1149	1321	1436
10200	829	953	1036	12900	996	1145	1245				
10300	835	960	1044	13000	1002	1152	1252				

*2014 Poverty Level is \$2,350

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 2.305147433

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92 Age

0-5: Determine child support for Age 12-18 and then multiply by 0.80

FOUR CHILD FAMILIES: CHILD SUPPORT SCHEDULE
Dollars Per Month Per Child

18	Support Amount			Support Amount			Support Amount				
	(\$ Per Child)			(\$ Per Child)			(\$ Per Child)				
	Age Group			Age Group			Age Group				
	Age	Age	Age	Age	Age	Age	Age	Age	Age		
Combined Gross Monthly Age Income	0-5	6-11	12-18	Combined Gross Monthly Income	0-5	6-11	12-18	Combined Gross Monthly Income	0-5	6-11	12-18
50	5	6	6	1650	154	177	192	4500	375	431	469
100	10	11	12	1700	158	182	198	4600	382	439	477
150	14	16	17	1750	163	188	204	4700	388	446	485
200	18	21	23	1800	168	193	210	4800	394	454	493
250	23	27	29	1850	173	199	216	4900	401	461	501
300	28	32	35	1900	177	203	221	5000	407	468	509
350	33	38	41	1950	182	209	227	5100	414	476	517
400	38	43	47	2000	186	214	233	5200	420	483	525
450	42	48	52	2100	196	225	245	5300	426	490	533
500	46	53	58	2200	205	236	256	5400	432	497	540
550	51	59	64	2300	214	247	268	5500	438	504	548
600	56	64	70	2400	224	258	280	5600	445	512	556
650	61	70	76	2500	233	268	291	5700	451	519	564
700	66	75	82	2600	242	279	303	5800	457	525	571
750	70	80	87	2700	252	290	315	5900	463	533	579
800	74	86	93	2800	259	298	324	6000	470	540	587
850	79	91	99	2900	266	306	333	6100	475	546	594
900	84	97	105	3000	274	315	342	6200	482	554	602
950	89	102	111	3100	280	322	350	6300	488	561	610
1000	94	108	117	3200	287	330	359	6400	494	568	617
1050	98	112	122	3300	294	339	368	6500	500	575	625
1100	102	118	128	3400	302	347	377	6600	506	581	632

1150	107	123	134	3500	308	354	385	6700	512	589	640
1200	112	129	140	3600	315	362	394	6800	518	595	647
1250	117	134	146	3700	322	370	402	6900	523	602	654
1300	122	140	152	3800	329	378	411	7000	530	609	662
1350	126	144	157	3900	335	385	419	7100	535	615	669
1400	130	150	163	4000	342	394	428	7200	542	623	677
1450	135	155	169	4100	349	401	436	7300	547	629	684
1500	140	161	175	4200	355	408	444	7400	553	636	691
1550	145	167	181	4300	362	416	452	7500	558	642	698
1600	149	171	186	4400	369	424	461	7600	565	650	706

FOUR CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)
Dollars Per Month Per Child

18	Support Amount			Combined	Support Amount			Combined	Support Amount		
	(\$ Per Child)				(\$ Per Child)				(\$ Per Child)		
	Age Group				Age Group				Age Group		
	Age	Age	Age		Age	Age	Age		Age	Age	Age
	0-5	6-11	12-18		0-5	6-11	12-18		0-5	6-11	12-
Income				Income				Income			

8300	605	696	756	11000	754	867	942	13700	894	1029	1118
8400	610	702	763	11100	758	872	948	13800	899	1034	1124
8500	616	708	770	11200	764	879	955	13900	904	1040	1130
8600	622	715	777	11300	770	885	962	14000	910	1046	1137
8700	627	721	784	11400	774	891	968	14100	914	1052	1143
8800	633	728	791	11500	780	897	975	14200	919	1057	1149
8900	638	734	798	11600	786	903	982	14300	925	1064	1156
9000	644	741	805	11700	790	909	988	14400	930	1069	1162
9100	650	747	812	11800	796	915	995	14500	934	1075	1168
9200	655	753	819	11900	801	921	1001	14600	940	1081	1175
9300	661	760	826	12000	806	927	1008	14700	945	1087	1181
9400	666	766	833	12100	812	934	1015	14800	950	1092	1187
9500	672	773	840	12200	817	939	1021	14900	954	1098	1193
9600	678	779	847	12300	822	946	1028	15000	960	1104	1200
9700	683	786	854	12400	827	951	1034	15100	965	1110	1206
9800	689	792	861	12500	833	958	1041	15200	970	1115	1212
9900	694	798	867	12600	838	963	1047	15300	974	1121	1218
10000	699	804	874	12700	843	970	1054	15400	980	1127	1225
10100	705	811	881	12800	848	975	1060	15500	985	1133	1231
10200	710	817	888	12900	853	981	1066				
10300	716	823	895	13000	858	987	1073				

*2014 Poverty Level is \$2,700

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 1.975276293

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92

0-5: Determine child support for Age 12-18 and then multiply by 0.80

FIVE CHILD FAMILIES: CHILD SUPPORT SCHEDULE
Dollars Per Month Per Child

Support Amount
(\$ Per Child)
Age Group

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)							
Combined	Age Group			Combined	Age Group			Combined			
Gross				Gross				Gross			
Monthly	Age	Age	Age	Monthly	Age	Age	Age	Monthly	Age	Age	Age
Income	0-5	6-11	12-18	Income	0-5	6-11	12-18	Income	0-5	6-11	12-18
50	4	5	5	1650	134	154	167	4500	334	385	418
100	8	9	10	1700	138	158	172	4600	340	391	425
150	12	14	15	1750	142	163	177	4700	346	397	432
200	16	18	20	1800	146	167	182	4800	351	404	439
250	20	23	25	1850	150	172	187	4900	357	410	446
300	24	28	30	1900	154	177	192	5000	362	417	453
350	28	32	35	1950	158	181	197	5100	368	423	460
400	32	37	40	2000	162	186	202	5200	374	431	468
450	36	41	45	2100	170	195	212	5300	380	437	475
500	41	47	51	2200	178	204	222	5400	385	443	481
550	45	52	56	2300	186	213	232	5500	390	449	488
600	49	56	61	2400	194	224	243	5600	396	455	495
650	53	61	66	2500	202	233	253	5700	402	462	502
700	57	65	71	2600	210	242	263	5800	407	468	509
750	61	70	76	2700	218	251	273	5900	413	475	516

								Support Amount (\$ Per Child)			
								Age Group			
800	65	75	81	2800	226	260	283	6000	418	481	523
850	69	79	86	2900	234	270	293	6100	424	488	530
900	73	84	91	3000	242	279	303	6200	429	493	536
950	77	88	96	3100	250	287	312	6300	434	500	543
1000	81	93	101	3200	256	294	320	6400	440	506	550
1050	85	98	106	3300	262	302	328	6500	445	512	556
1100	89	102	111	3400	269	309	336	6600	450	518	563
1150	93	107	116	3500	274	316	343	6700	456	524	570
1200	97	111	121	3600	281	323	351	6800	461	530	576
1250	101	116	126	3700	286	329	358	6900	466	536	583
1300	105	121	131	3800	293	337	366	7000	472	543	590
1350	109	125	136	3900	298	343	373	7100	477	548	596
1400	114	131	142	4000	305	351	381	7200	482	555	603
1450	118	135	147	4100	310	357	388	7300	487	560	609
1500	122	140	152	4200	317	364	396	7400	493	567	616
1550	126	144	157	4300	322	371	403	7500	498	572	622
1600	130	149	162	4400	328	377	410	7600	503	579	629

FIVE CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)

Dollars Per Month Per Child

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)							
Combined	Age Group			Combined	Age Group			Combined			
Gross				Gross				Gross			
Monthly	Age	Age	Age	Monthly	Age	Age	Age	Monthly	Age	Age	Age
Income	0-5	6-11	12-18	Income	0-5	6-11	12-18	Income	0-5	6-11	12-18
7700	508	584	635	10400	642	739	803	13100	770	885	962
7800	514	591	642	10500	647	744	809	13200	774	890	967

								Support Amount (\$ Per Child)			
								Age Group			
7900	518	596	648	10600	652	750	815	13300	778	895	973
8000	523	602	654	10700	657	755	821	13400	783	901	979
8100	529	608	661	10800	662	761	827	13500	787	905	984
8200	534	614	667	10900	666	766	833	13600	792	911	990
8300	538	619	673	11000	671	772	839	13700	797	916	996
8400	544	626	680	11100	676	777	845	13800	801	921	1001
8500	549	631	686	11200	681	783	851	13900	806	926	1007
8600	554	637	692	11300	686	788	857	14000	810	932	1013
8700	559	643	699	11400	690	794	863	14100	814	937	1018
8800	564	649	705	11500	695	799	869	14200	819	942	1024
8900	569	654	711	11600	699	804	874	14300	824	948	1030
9000	574	660	717	11700	704	810	880	14400	828	952	1035
9100	579	666	724	11800	709	815	886	14500	833	958	1041
9200	584	672	730	11900	714	821	892	14600	837	962	1046
9300	589	677	736	12000	718	826	898	14700	842	968	1052
9400	594	683	742	12100	723	832	904	14800	846	973	1058
9500	598	688	748	12200	728	837	910	14900	850	978	1063

								Support Amount (\$ Per Child)			
								Age Group			
9600	603	694	754	12300	732	842	915	15000	855	983	1069
9700	609	700	761	12400	737	847	921	15100	859	988	1074
9800	614	706	767	12500	742	853	927	15200	864	994	1080
9900	618	711	773	12600	746	858	933	15300	868	998	1085
10000	623	717	779	12700	751	864	939	15400	873	1004	1091
10100	628	722	785	12800	755	868	944	15500	877	1008	1096
10200	633	728	791	12900	760	874	950				
10300	638	733	797	13000	765	880	956				

*2014 Poverty Level is \$3,050

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 1.759654529

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92 Age 0-5:

Determine child support for Age 12-18 and then multiply by 0.80

SIX CHILD FAMILIES: CHILD SUPPORT SCHEDULE
Dollars Per Month Per Child

Support Amount
(\$ Per Child)
Age Group

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)							
Combined	Age Group			Combined	Age Group			Combined			
Gross	Age	Age	Age	Gross	Age	Age	Age	Gross	Age	Age	Age
Monthly	0-5	6-11	12-18	Monthly	0-5	6-11	12-18	Monthly	0-5	6-11	12-18
Income				Income				Income			
50	4	5	5	1650	119	137	149	4500	304	350	380
100	7	8	9	1700	122	141	153	4600	309	355	386
150	11	13	14	1750	126	145	158	4700	314	362	393
200	14	17	18	1800	130	149	162	4800	320	368	400
250	18	21	23	1850	134	154	167	4900	325	374	406
300	22	25	27	1900	137	157	171	5000	330	379	412
350	26	29	32	1950	141	162	176	5100	335	385	419
400	29	33	36	2000	144	166	180	5200	340	391	425
450	33	38	41	2100	151	174	189	5300	346	397	432
500	36	41	45	2200	158	182	198	5400	350	403	438
550	40	46	50	2300	166	190	207	5500	355	408	444
600	43	50	54	2400	173	199	216	5600	361	415	451
650	47	54	59	2500	180	207	225	5700	366	420	457
700	50	58	63	2600	187	215	234	5800	370	426	463
750	54	63	68	2700	194	224	243	5900	375	431	469

								Support Amount (\$ Per Child)			
								Age Group			
800	58	66	72	2800	202	232	252	6000	381	438	476
850	62	71	77	2900	209	240	261	6100	386	443	482
900	65	75	81	3000	216	248	270	6200	390	449	488
950	69	79	86	3100	223	257	279	6300	395	454	494
1000	72	83	90	3200	230	265	288	6400	400	460	500
1050	76	87	95	3300	238	273	297	6500	405	466	506
1100	79	91	99	3400	244	281	305	6600	410	471	512
1150	83	96	104	3500	250	287	312	6700	414	477	518
1200	86	99	108	3600	255	293	319	6800	419	482	524
1250	90	104	113	3700	261	300	326	6900	424	488	530
1300	94	108	117	3800	266	306	333	7000	429	493	536
1350	98	112	122	3900	272	313	340	7100	434	499	542
1400	101	116	126	4000	278	319	347	7200	438	504	548
1450	105	121	131	4100	282	325	353	7300	443	510	554
1500	108	124	135	4200	288	331	360	7400	448	515	560
1550	112	129	140	4300	294	338	367	7500	453	521	566
1600	115	132	144	4400	298	343	373	7600	458	526	572

SIX CHILD FAMILIES: CHILD SUPPORT SCHEDULE (Continued)

Dollars Per Month Per Child

18

Support Amount (\$ Per Child)				Support Amount (\$ Per Child)				Support Amount (\$ Per Child)			
Combined	Age Group			Combined	Age Group			Combined	Age Group		
Gross	Age	Age	Age	Gross	Age	Age	Age	Gross	Age	Age	Age
Monthly	0-5	6-11	12-18	Monthly	0-5	6-11	12-18	Monthly	0-5	6-11	12-
Income				Income				Income			
7700	462	532	578	10400	585	673	731	13100	700	805	875
7800	467	537	584	10500	589	677	736	13200	704	810	880
7900	471	542	589	10600	593	682	741	13300	708	814	885
8000	476	547	595	10700	598	687	747	13400	712	819	890
8100	481	553	601	10800	602	692	752	13500	717	824	896
8200	486	558	607	10900	606	697	758	13600	721	829	901
8300	490	564	613	11000	610	702	763	13700	725	834	906
8400	494	569	618	11100	615	707	769	13800	729	838	911
8500	499	574	624	11200	619	712	774	13900	733	843	916
8600	504	580	630	11300	623	717	779	14000	737	847	921
8700	509	585	636	11400	628	722	785	14100	741	852	926
8800	513	590	641	11500	632	727	790	14200	746	857	932
8900	518	595	647	11600	637	732	796	14300	750	862	937
9000	522	601	653	11700	641	737	801	14400	754	867	942
9100	526	605	658	11800	645	742	806	14500	758	871	947
9200	531	611	664	11900	650	747	812	14600	762	876	952

9300	536	616	670	12000	654	752	817	14700	766	880	957
9400	540	621	675	12100	658	756	822	14800	770	885	962
9500	545	627	681	12200	662	761	827	14900	774	890	967
9600	549	631	686	12300	666	766	833	15000	778	894	972
9700	554	637	692	12400	670	771	838	15100	782	899	977
9800	558	641	697	12500	674	776	843	15200	786	903	982
9900	562	647	703	12600	679	781	849	15300	790	908	987
10000	567	652	709	12700	683	786	854	15400	794	913	992
10100	571	657	714	12800	687	790	859	15500	798	917	997
10200	576	662	720	12900	691	795	864				
10300	580	667	725	13000	696	800	870				

*2014 Poverty Level is \$3,350

To determine child support at higher income levels:

Age 12-18: Raise income to the power .66690684 and multiply the result by 1.600796829

Age 6-11: Determine child support for Age 12-18 and then multiply by 0.92

0-5: Determine child support for Age 12-18 and then multiply by 0.80