

Understanding Tribal Child Support Orders.

Presented by:
Benjamin Swankier Deputy General Counsel, Leech Lake Band of Ojibwe

Rebecca McConkey-Greene
Chief Judge, Leech Lake Tribal Court

THE FAMILY GATHERS-
Sam Zimmerman/
Zhaawanoogizhik



1

What is child support?

Child support programs are designed to improve the well-being of children by locating their parents, their parent's assets, establish paternity, establish, modify and enforce child support orders and distribute child support payments.



Child Supports programs are enacted by federal, state, or tribal governmental bodies.

2

Ojibwe Doodems
Sam Zimmerman

History of Tribal Child Support, some things to know....

- Children are seen as gifts from the creator.
- Traditionally children were raised to be very independent and involved in support of the family and community.
- The entire community ensures that everyone has enough resources.
- Tribes are sovereigns who retain all rights of sovereigns except those expressly removed by the federal government.



3

Tribal Sovereignty

- Recognized by the U.S. Constitution as distinct governments with the same powers as the federal government.
- Powers not expressly removed have been retained by the Tribe.
- Self Determined forms of government.

Who can tell us what all of that means?

What does it mean to be a sovereign in practical terms?

What does it mean for Tribal child support orders?



4



History of Tribal Child Support

- Social Security Act Title IV-D of 1975 established the federal child support program in the United States. (Id citing to Larry, 2018: Office of Child Support Enforcement, 2018)
- In 1996, the federal Office of Child Support Enforcement recognized that the original program implemented in 1975 was not sufficient to meet the needs of Indian families and authorized funding for Tribes to operate their own Title IV-D programs through the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) (ID).
- As of 2018, 60 federally-recognized Indian Tribes and tribal consortia in 22 states implemented sovereign tribal child support programs.

(Tribal Child Support: Final Report, Deliverable for Task 10 of 2020-2022 Child Support Policy Research Agreement, Institute for Research on Poverty, University of Wisconsin-Madison.) Citing to National Tribal Child

5

More to know about Tribal Child Support.



- 574 federally recognized Tribes in the United States.
- 11 in Minnesota. Who can name them?
- AI/AN alone or in combination with another race accounts for 9.7 million people in the U.S. in 2020.
- Significant population growth since 2010.
 - AI/AN alone 27.1%
 - Combined with another race 160%.
- 2019 approximately 27.5% of AI/AN population under the age of 18 indicating increased demand for Tribal child support services.

(Tribal Child Support: Final Report, Deliverable for Task 10 of 2020-2022 Child Support Policy Research Agreement, Institute for Research on Poverty, University of Wisconsin-Madison.)

- 2019 Estimated 52 % of AI/AN living in single-parent households.
- 2014 66% born to unmarried women, compared to 40.2% of population.

Can you identify any possible issues or potential problems with these numbers?

What are some other areas where there can be misinterpretations?

6

Indigenous family structure.

- May be more decentralized than Euro-centric model of the family with strong interconnected network of family, community, and Tribe as opposed to father as “head of household” .
- Fathers may not be expected to be solely responsible for supporting the family and may instead contribute values of strength to the family as teachers guides, role models and leaders,
- Family circle where each plays a role in raising a child that in western culture is reserved to the mother or father.

(Tribal Child Support: Final Report, Deliverable for Task 10 of 2020-2022 Child Support Policy Research Agreement, Institute for Research on Poverty, University of Wisconsin-Madison.)



7

Differences between State and Tribal Systems.

- Some Tribes allow for “in kind” forms of support which are specific to a tribe’s culture and traditions. For example: fish, firewood, deer meat, repairs for the home, other services.
- Tribes value family, community, nature rather than economic valuation.
- Some Tribes have different methods of enforcement of orders;
 - Non-paying parents required to explain to an Elders’ Panel why they are not paying.
 - Garnishing per capita payments,
 - Reservation hunting and fishing license suspension,
 - Gaming license suspension,
 - Court mandates to improve the non-custodial parent’s employability (GED, alcohol or drug treatment, attending a trade class.)

(Tribal Child Support Final Report 2022)



8



Tribal Transfer

Passed in 2023, Minn. Stat 518A.80 Motion to Transfer to Tribal Court.

- Created a process between the two jurisdictions to transfer cases back and forth. Address the previous legal shortcomings with transfers, such as notice and competing orders.
- Process.
 - The Leech Lake Child Support Agency brings a motion to transfer a child support case from district court into tribal court.
 - Must have an affidavit to support the Petition. Both parties to the action must be served.
 - The District court and tribal court must have concurrent jurisdiction.
 - Both parties have 30 days to object to the transfer.
 - Once transferred, the case is under exclusive tribal court jurisdiction.

Both the state and tribe collaborate to ease the process. Some issues have arisen, such as Order drafting, service, and arrears owed to the state. The Leech Lake Child Support Agency has the most tribal transfers among the 11 tribes.

THE FAMILY GATHERS-
SAM ZIMMERMAN

9

Resources

We relied heavily on information and statistics from:

Tribal Child Support: Final Report, Deliverable for Task 10 of 2020-2022 Child Support Policy Research Agreement, Institute for Research on Poverty, University of Wisconsin-Madison.

The Leech Lake Child Support Codes may be found on the Leech Lake Band of Ojibwe website, www.llojibwe.org under Administration, Tribal Court, Court Codes.

Many Tribes have websites and publish their codes on their websites.



10

Chi Miigwech to the Artist!!

**Sam Zimmerman/ Zhaawanoogiizhik
(helhim)**

@cranesuperior

**Please don't reuse his art without
his permission!**

**Miigwech to all of you for allowing
us to talk with you!!**

Please reach out with questions:

Benjamin Swankier

Benjamin.swankier@llojibwe.net

Rebecca McConkey-Greene

Rebecca.greene@llojibwe.net

