

PUEBLO OF ZUNI



PATERNITY

AND

CHILD SUPPORT

ENFORCEMENT

ACT



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THE TRIBAL COUNCIL
ZUNI TRIBE

December 2, 2010

RESOLUTION NO. M70-2010-C 127

WHEREAS, the Zuni Tribe is a federally recognized and sovereign Indian tribe; and

WHEREAS, the Zuni Tribal Council, consisting of the Governor, Lieutenant Governor, and six Tenientes, is declared to be the legislative authority of the Pueblo of Zuni by Article V, Section I, of the Constitution of the Zuni Tribe; and

WHEREAS, pursuant to the Constitution, Article VI, the Governing Body is authorized to act in all matters that concern the welfare of the Tribe; and

WHEREAS, the Tribal Council, on November 24, 2008, in Resolution M70-2008-C077, approved for enactment a new Tribal code, the Zuni Paternity and Child Support Enforcement Act; and

WHEREAS, the new code was sent to and received final approval from the Solicitor's Office, United States Department of the Interior; and

WHEREAS, the Solicitor's Office also provided recommendations for a minor clarification to the new code, but noted that even without such changes, the enactments are legally sufficient; and

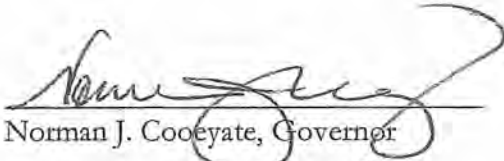
WHEREAS, on this date, the Tribal Council has considered the minor amendment to the Zuni Paternity and Child Support Enforcement Act, based upon the Solicitor's recommendation, and attached hereto; and

WHEREAS, the Tribal Council has determined to incorporate the recommendations into the new code as Tribal law.

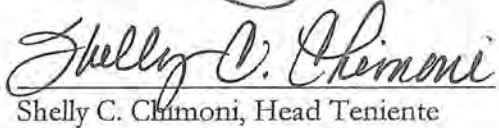
NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the amended Zuni Paternity and Child Support Enforcement Act, codified as Title 11, Chapters 7 through 9 of the Zuni Tribal Code.


ZUNI TRIBAL COUNCIL:

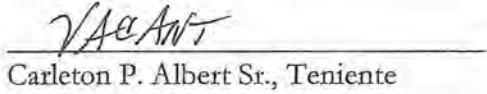


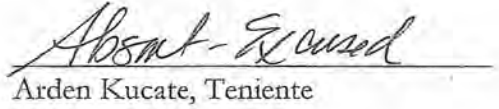

Norman J. Cooyate, Governor

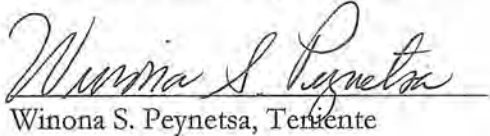

Dancy Simplicio, Lt. Governor

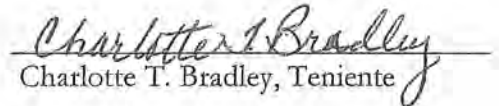

Shelly C. Chimoni, Head Teniente


Dixie J. Tsabetsaye, Teniente


Carleton P. Albert Sr., Teniente


Arden Kucate, Teniente

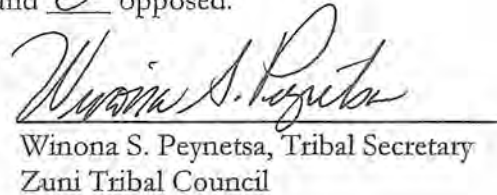

Winona S. Peynetsa, Teniente


Charlotte T. Bradley, Teniente


CERTIFICATION

I hereby certify that the foregoing resolution was duly considered at a duly called meeting on December 2, 2010 of the Zuni Tribal Council at which a quorum was present, and that the same was:

Approved / Disapproved by a vote of 6 in favor and 0 opposed.


Winona S. Peynetsa, Tribal Secretary
Zuni Tribal Council

APPROVED / DISAPPROVED


Norman J. Cooyate, Governor
Pueblo of Zuni





**Zuni Tribal Council
Zuni, New Mexico**

April 07, 2014

Resolution No. M70-2014-0037

WHEREAS, the Zuni Tribal Council consisting of the Governor, Lieutenant Governor and six Tenientes, is declared to be the legislative authority of the Pueblo of Zuni by Article V, Section 1 of the Constitution of the Zuni Tribe; and

WHEREAS, the Zuni Tribal Council is authorized to act in all matters that concern the welfare of the tribe [and its members] pursuant to Article VI, Section 1, paragraph (d) of the Constitution of the Zuni Tribe; and

WHEREAS, on November 24, 2008, the Zuni Tribal Council enacted Resolution No. M70-2008-C077, and thereby adopted the provisions of the Zuni Paternity and Child Support Enforcement Act. The Act was subsequently amended by Resolution No. M70-2010-C127; and

WHEREAS, the Zuni Paternity and Child Support Enforcement Act, as amended, includes a provision (ie. §11-8-8. A.) that allows the Zuni Tribal Court to issue an "Income Withholding Order" that would require an employer to withhold an amount specified by the Court from the wages paid to a non-custodial parent and to pay the withheld amount to the Zuni Child Support Program (ZCSP) or as otherwise directed in the withholding order; and

WHEREAS, §11-8-8. A. authorizes the Zuni Tribal Court "...to enter and enforce an order to withhold income, provided that the Court shall first consider whether the voluntary consent of the obligor may be utilized in lieu of a withholding order." In practice, approximately 80% of all non-custodial parents who are wage earners choose not to consent to have their wages withheld to pay for their child support obligation; and

WHEREAS, ZCSP currently serves 15 clients who receive timely and consistent child support payments as a result of Income Withholding Orders that have been issued by the Zuni Tribal Court. ZCSP serves an additional 19 clients who receive sporadic payments and in a few cases no child support payments from the non-custodial parent although the non-custodial parent is permanently employed and fully able to pay child support. This is a result of the non-custodial parent choosing not to give his/her voluntary consent to the issuance of an Income Withholding Order; and



WHEREAS, it is the duty and responsibility of the Zuni Tribal Courts and the ZCSP to insure that all minor children receive the financial assistance they require from both of their biological parents based upon the respective income of the parents. The issuance of an Income Withholding Order immediately following a child support hearing will insure that the children of parents who come before the courts will receive the financial assistance they require on a timely and consistent basis and prevent the accrual of child support arrearages, and

WHEREAS, ZCSP is concerned that non-custodial parents who have accumulated child support arrearages provide only minimal payments on the arrearages because there currently is no penalty that can be imposed to encourage payment of accumulated arrearages in a timely fashion. ZCSP therefore recommends the imposition of 6% interest to any accrued arrearage if the non-custodial parent fails to make payment on the arrearages for three non-consecutive months; and

WHEREAS, the Zuni Tribal Courts and the Zuni Child Support Enforcement Program recommend that the provisions of Title 11, Chapter 8, Sections 8 and 9 be amended to authorize the tribal courts to issue an Income Withholding Order immediately following a child support proceeding to insure that all Zuni children receive the financial support they require from both of their parents on a timely and consistent basis.

NOW THEREFORE, BE IT RESOLVED THAT the Zuni Tribal Council hereby amends Title 11, Chapter 8, Section 8 of the Zuni Paternity and Child Support Enforcement Act, by deleting §11-8-8. A. in its entirety, and in lieu thereof including the following:

“§11-8-8. A. An income withholding order shall be utilized to order the payment of income of the obligor to the obligee or the obligee’s designee or assignee, as may be necessary to comply with the order for support. The withholding shall be an amount sufficient to ensure payment under the support order and shall not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b) and as amended). The Court is authorized to enter and to enforce an order to withhold income to insure the timely and consistent payment of child support. Income shall not be subject to withholding if either the custodial or non-custodial parent demonstrates there is good cause not to require income withholding, and the Court enters a finding of such good cause, or there is a signed written agreement between the custodial and non-custodial parent which provides for an alternate arrangement and it is entered into the record by the Court. “Good cause” is defined in this section as: fluctuation of pay resulting in decrease of 50% or more from one pay period to the next, seasonal employment (eg. firefighting) or temporary employment not exceeding three (3) months, medical emergency of obligee or obligee’s dependents, or other situations that can be submitted to the Court as evidence for good cause. Immediate income withholding shall take place upon employment verification by either the non-custodial parent’s last three payroll statements or from an employment verification conducted by the Zuni Child Support Program at the establishment of the child support order or any modification thereof.”

BE IT FURTHER RESOLVED THAT the Zuni Tribal Council hereby amends Title 11, Chapter 8, Section 9 of the Zuni Paternity and Child Support Enforcement Act, by deleting §11-8-9 in its entirety, and in lieu thereof including the following:


“§11-8-9 In addition to the income withholding order, the Court or ZCSP may utilize any and all enforcement remedies available to enforce the payment of obligations under a support order, including, but not limited to: 1) certification for the intercept of the obligor’s federal and/or state tax refunds, if applicable; 2) certification and application for the intercept of any worker’s




compensation or unemployment insurance benefits owed to the obligor; 3) certification and application for any other collection methods available and appropriate including, but not limited to, liens against real or personal property, seizure of bank accounts, suspension of driver's licenses, hunting and fishing licenses and professional licenses; 4) submission of the obligor's name to credit bureaus, and 5) interest, not to exceed 6%, be assessed and applied to accrued arrearages when the obligor fails to make payment on the arrearage for three (3) non-consecutive months."

BE IT FURTHER RESOLVED THAT, the provisions of this Resolution shall become effective 15 days following the approval of this Resolution by the Zuni Tribal Council.

ZUNI TRIBAL COUNCIL:




Arlen P. Quetawki, Sr., Governor




Steve K. Boone, Lt. Governor

Vacant, Head Teniente

Vacant, Teniente



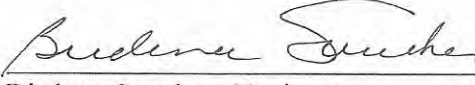
Loren L. Leekela, Sr., Teniente



Gerald Hooee, Sr., Teniente

Absent (Excused)

Mark Martinez, Teniente



Birdena Sanchez, Teniente


CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called meeting of the Zuni Tribal Council on the 07 day of April, 2014, at which a quorum was present, and that the same was approved by a vote of 5 in favor and 0 opposed.



Steve K. Boone, Tribal Council Secretary

APPROVED/DISAPPROVED BY:



Arlen P. Quetawki, Sr., Governor

4-7-14



CHAPTER 7. PATERNITY

§11-7-1. Paternity Proceedings; General Provisions

A. Paternity of a child may be established as provided by this Chapter in a proceeding in the Court. A paternity proceeding may be combined with another related Court action concerning the child.

B. A paternity proceeding shall be governed by the Zuni Rules of Civil Procedure. A paternity proceeding may be commenced any time prior to the child's 18th birthday, and for an additional three year period following the child's 18th birthday.

C. Nothing herein shall preclude an action in the Zuni Children's Court to establish paternity under the Zuni Children's Code, provided that such Children's Court action does not conflict with the provisions of this Title. A final paternity ruling in the Children's Court will be binding on this Court, if conducted in compliance with the provisions of this Title.

§11-7-2. Who May Initiate a Paternity Proceeding

A. The following individuals may bring a paternity proceeding in the Court:

1. The adult child;
2. The child represented by guardian;
3. The mother;
4. The alleged father;
5. A person who has custodial or legal responsibility for the child or for a person identified above, including a responsibility assumed through clanship or custom.

B. In addition to the individuals identified in subpart A, ZCSP shall bring a paternity action pursuant to an application for services if the paternity of the child has not been established; however, ZCSP shall not be required to initiate a paternity proceeding in a case for which there is a pending adoption or a case involving incest or rape, or the equivalent criminal offense as defined under applicable law.

§11-7-3. Presumption of Paternity

A man is presumed to be the biological father of a child if he was married to the child's biological mother at the time of the child's conception. The presumption is overcome if, based upon all the evidence submitted in the action, the Court finds the husband is not the father of the child.



§11-7-4. Voluntary Acknowledgement of Paternity

At any time prior to or during a paternity proceeding, the alleged father of a child may acknowledge paternity for a child in writing. The acknowledgement of paternity shall state the father accepts responsibility as a parent over the child. An acknowledgement of paternity may be contested in the Court on the grounds of fraud, duress, or mistake of fact. If the Court determines the man is not the father of the child, the Court shall vacate any order which was based upon the acknowledgment of paternity.

§11-7-5. Evidence in a Paternity Action

A. Evidence in a paternity action may include all relevant and material evidence, subject to the rules governing the admissibility of evidence, including the following:

1. Evidence pertaining to the relationship between the mother and alleged father, including evidence of sexual relations at any possible time of conception;
2. Medical, scientific or genetic and statistical evidence relating to the alleged father's paternity of the child based on tests performed by experts;
3. All other evidence relevant to the issue of paternity of the child, including evidence of traditional customs or practices which may confirm or ratify the paternity of a child.

B. The petitioner must provide to the Court a certified copy of the child's birth certificate from the jurisdiction where the child is born so that the Court is made aware of whether a father was named on the birth certificate. This requirement shall be waived by the Court if there is evidence of good reason why a certified copy of the birth certificate is not available.

§11-7-6. Genetic Testing

A. The Court may order the mother, the alleged father, and the child to take genetic tests as may be necessary to make a paternity determination. Collection of genetic samples will be conducted by a qualified professional and tests shall be performed by a qualified employee of an accredited genetic testing facility.

B. The costs for genetic tests may be paid by ZCSP, by any of the parties to the case, or by both parties in the proportion and at the times the Court prescribes.



§11-7-7. Reporting Paternity Results

The Court or ZCSP shall provide a report of a finding of paternity made in a paternity proceeding to the office of vital records in the state or tribal jurisdiction in which the child was born.

§11-7-8. Locating Custodial and Non-Custodial Parents

ZCSP shall have authority to request information of all entities, whether commercial, private or governmental for all records which may help to identify the location of the custodial or non-custodial parents or their assets. ZCSP must attempt, and shall use all sources of information and records, to locate custodial or non-custodial parents and their assets. The Tribe is authorized and directed to provide such information when requested pursuant to the authority of this Act.

CHAPTER 8. CHILD SUPPORT

§11-8-1. Child Support Proceedings; General Provisions

A. An order for child support may be obtained as provided by this Chapter in a proceeding in the Court. A child support proceeding may be combined with another related Court action concerning the child.

B. A proceeding brought in the Court for child support shall be governed by the Zuni Rules of Civil Procedure. A child support proceeding may be commenced any time prior to the child's 18th birthday, and for an additional three year period following the child's 18th birthday, and it may include retroactive relief to the date of the child's birth. Child support shall be available for the support of a child until the date that the child has completed high school and attained age of 18, or the date that the child has attained age 19, whichever is first.

C. Nothing in this Chapter shall preclude an action in the Zuni Children's Court under the Zuni Children's Code for support of a child, provided that such Children's Court action does not conflict with the provisions of this Title. A child support ruling in the Children's Court will be binding on this Court, if conducted in compliance with the provisions of this Title.

§11-8-2. Who May Bring an Action for Child Support

A child support action may be brought by a parent or any other person or entity having custody or legal responsibility for the child for whom the support order is sought. In addition, ZCSP may bring a child support action.



§11-8-3. Responsibility for Child Support

A. The mother and father equally share in the primary responsibility for child support, subject to the circumstances of each case. If the mother or father is a minor, the parents of the minor parent shall bear the responsibility for child support until the minor parent reaches the age of adulthood, or is otherwise emancipated.

B. Subject to the circumstances of each case, any other person, agency, organization or institution may be secondarily liable for such support; provided the Court finds that such a person, agency, organization or institution has assumed the obligation of support.

§11-8-4. Child Support Guidelines

A. The Court shall establish by Rule of Court child support guidelines which shall apply to all child support cases that come before Court. The Guidelines shall establish the scale of minimum child support contributions and shall be used to determine the amount the obligor must pay for support of a child.

B. The Child Support Guidelines shall, at a minimum, take into account the income of both parents and the number of children to be supported. The Guidelines shall reflect the best interests of the child and shall provide for the actual childcare expenses in an amount which is sufficient to meet the basic needs of the child for housing, clothing, food, education, health care and recreation, and which enables both parents to maintain employment or education.

C. There shall be a rebuttable presumption in any proceeding for the award of child support, that the amount of the award that results from the application of the Guidelines established pursuant to this Section is the correct amount of child support to be awarded.

D. The Guidelines may permit the use of non-cash resources for support only if the Guidelines identify the types of non-cash resources which are permitted and the specific dollar amount of the support obligation which the non-cash resources satisfy.

E. To assist the Court and the ZCSP in identifying and recognizing the value of cultural practices and obligations in establishing support obligations, the Tribe establishes a Cultural Advisory Panel, consisting of members of the Tribe selected by the Tribal Council who are recognized for their knowledge of A:shiwí culture and tradition. The Panel shall meet not less than annually to review the recognition of cultural practices under this Act and to be available as may be needed as a resource for the Court and the ZCSP.



§11-8-5. Child Support Order

A. A support order issued by the Court shall be enforced as provided in this Chapter and as permitted under Tribal law. Each support order shall include provisions as deemed appropriate by the Court to ensure the well-being of the child. Payments ordered for the support of the child shall be in such amount as to meet the reasonable needs of the child, as established under the Child Support Guidelines, with regard for the facts of the particular case.

B. In a child support action the Court shall require each party to furnish, on standard forms, full disclosure of all respective earnings, income and assets owned by either party separately or jointly with other persons.

C. Upon request by a party, the Court may deviate from the amount of child support payments which would be required under the Child Support Guidelines if, after considering all of the circumstances of the case, the Court finds that use of the Guidelines is unfair to the child or to any of the parties and the Court identifies the amount that would be required under the Guidelines and states the justification for the variance from the Guidelines. This Section does not prohibit or limit the Court from entering a child support order that is agreed to by the parties that deviates from the Child Support Guidelines.

D. The obligation for child support payments shall terminate without further order of the Court at the time the child reaches the age of emancipation. If an arrearage for child support or fees or costs exists at the time a child support obligation terminates, payments shall continue in the same amount and be applied to the arrearage until all arrearages and fees or costs are satisfied or until further order of the Court. The Court shall not charge interest on child support arrears or judgments.

§11-8-6. Voluntary Agreement

The parents may enter into a voluntary child support agreement subject to conditions and limitations the Court may impose.

§11-8-7. Assignment of Child Support Rights

A party who receives TANF benefits may be required to assign accrued child support rights for the TANF benefits to the tribal or state agency which issued the TANF payments. The assignment of rights shall authorize ZCSP to bring an action in the Court to establish paternity or a support order and to collect on that order on behalf of the tribe or state expending the TANF benefits and to distribute monies collected to such tribe or state.



Income Withholding

A. An income withholding order shall be utilized to order the payment of income of the obligor to the obligee or the obligee's designee or assignee, as may be necessary to comply with the order for support. The withholding shall be an amount sufficient to ensure payment under the support order and shall not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b) and as amended). The Court is authorized to enter and to enforce an order to withhold income to insure the timely and consistent payment of child support. Income shall not be subject to withholding if either the custodial or non-custodial parent demonstrates there is good cause not to require income withholding, and the Court enters a finding of such good cause, or there is a signed written agreement between the custodial and non-custodial parent which provides for an alternate arrangement and it is entered into the record by the Court. "Good cause" is defined in this section as: fluctuation of pay resulting in decrease of 50% or more from one pay period to the next, seasonal employment (eg. firefighting) or temporary employment not exceeding three (3) months, medical emergency of obligee or obligee's dependents, or other situations that can be submitted to the Court as evidence for good cause. Immediate income withholding shall take place upon employment verification by either the non-custodial parent's last three payroll statements or from an employment verification conducted by the Zuni Child Support Program at the establishment of the child support order or any modification thereof.

B. An employer who receives an income withholding order shall withhold the amount specified in the order no later than seven (7) days after receipt of the order, and then, not later than seven (7) days after the date the employer normally is obligated to make the payment to the obligor, the employer shall send the amount withheld to the ZCSP or as otherwise directed in the withholding order. In the event an employer fails to withhold and submit payment as directed in an income withholding order, in addition to its inherent contempt power, the Court shall have the authority to hold such employer liable for payment of the amount ordered and to impose a fine on the employer in an amount established by Rule of Court, but not to exceed \$800. An employer who discharges from employment, disciplines, or refuse to employ a non-custodial parent because of the withholding ordered here shall be subject to a civil fine in an amount established by Rule of Court, but not to exceed \$800.

C. The Court shall enforce an income withholding order made by another jurisdiction and shall not make modifications to that order except as allowed by applicable law. A withholding order may be challenged only on the basis that it is in error concerning the identity of the alleged non-custodial parent or concerning the amount of current or overdue support.



D. The Tribe shall be required to withhold and submit the amount directed by the Court for any obligor employed by the Tribe, provided the income withholding order is issued by the Court as provided in this Section. The Tribe is not required to honor any wage withholding order from a foreign jurisdiction unless the order has been filed with the Court and enforced as provided in subpart

E. ZCSP shall promptly refund any monies improperly withheld and ZCSP shall ensure that income withholding is promptly terminated where there is no longer a current order for support and the arrearages have been satisfied.

§11-8-9. Enforcement of Child Support Orders

In addition to the income withholding order, the Court or ZCSP may utilize any and all enforcement remedies available to enforce the payment of obligations under a support order, including, but not limited to: 1) certification for the intercept of the obligor's federal and/or state tax refunds, if applicable; 2) certification and application for the intercept of any worker's compensation or unemployment insurance benefits owed to the obligor; 3) certification and application for any other collection methods available and appropriate including, but not limited to, liens against real or personal property, seizure of bank accounts, suspension of driver's licenses, hunting and fishing licenses and professional licenses; 4) submission of the obligor's name to credit bureaus and 5) interest, not to exceed 6%, be assessed and applied to accrued arrearages when the obligor fails to make payment on the arrearage for three (3) non-consecutive months.

§11-8-10. Adjustment of Child Support Orders

A. A support order issued by the Court may be modified or vacated at any time, upon a motion and a showing of a substantial change in circumstances. A motion to modify an order may be filed by any of the obligor, the obligee, or other party to the case, or ZCSP.

B. In addition to the foregoing, not less than once every three years, ZCSP shall notify each person subject to a child support order of the right to have the order reviewed by the Court. A review of a support order may also be completed by ZCSP upon the receipt of a written request submitted by any of the parties to the case indicating there has been a substantial change in circumstances.



CHAPTER 9. GENERAL PROVISIONS

§11-9-1. Application; Jurisdiction; Court Rules

A. The provisions of this Chapter 9 and Chapters 7 and 8 of this Title may be referred to as the Zuni Tribe Paternity and Child Support Enforcement Act. The provisions of the Act apply to all proceedings arising under this Title, whether or not arising from a marriage or divorce. This Act shall be interpreted to assert and maintain jurisdiction to the full extent permitted under law.

B. The provisions of this Act may be supplemented by administrative Rules of Court, enacted pursuant to Tribal law. For purpose of court docketing, the Court, either through Rules of Court or otherwise, may direct that a paternity or child support proceeding be initiated in the Children's Court and further that such a proceeding which is initiated in the Court be transferred to the Children's Court.

§11-9-2. Definitions

Except as the context otherwise requires, the following definitions shall apply in this Title:

A. "Act," means the Zuni Tribe Paternity and Child Support Enforcement Act.

B. "Application for Services," means an application for public assistance, including TANF benefits, and which includes services for the establishment of paternity, establishment, modification, and enforcement of child support orders and location of non-custodial parents.

C. "Assignment of Support Rights," means a legal procedure by which the person receiving assistance from a state or tribal program agrees to assign to the state or tribal program the support rights owed by an obligor.

D. "Child," means a person under 18 years of age. As used in this Act, the term means child who is the subject of a paternity proceeding or child support proceeding or order.

E. "Child Support Guidelines" or "Guidelines," means guidelines which establish the support obligation for a child.

F. "Child Support Order" or "Child Support Obligation," means a judgment, decree, or order, whether temporary, final or subject to modification issued by the Court for the support and maintenance of a child, in accordance with the Act, including a child who has reached the age of majority.



G. “Child Support Proceeding” or “Child Support Action,” means a legal action in the Court to establish, modify, or enforce a support order.

H. “Children’s Court,” means the Zuni Tribe Children’s Court. For a proceeding under the Act, the Children’s Court shall exercise the authority and responsibility of the Court, as provided under this Act.

I. “Court,” means the Zuni Tribal Court.

J. “Income,” means any periodic form of payment due to an individual regardless of source, and including per capita payments, trust funds and Individual Indian Monies.

K. “Minor,” means a person who is under 18 years of age.

L. “Obligee,” means a person or agency entitled to receive support.

M. “Obligor,” means a person obligated to pay support.

N. “Paternity,” means the male parentage of a child.

O. “Paternity Proceeding” or “Paternity Action,” means a proceeding in the Court to establish paternity.

P. “Program,” means the Zuni Child Support Program.

Q. “Support,” means the provision of maintenance or subsistence for a child, including medical coverage and arrearages, past support and reimbursement for public assistance.

R. “TANF,” means the Temporary Assistance for Needy Families program, which provides cash benefits to eligible families as authorized pursuant to section 401 *et. seq.* of the Social Security Act.

S. “Tribe,” means the Zuni Tribe, also known as the Pueblo of Zuni.

T. “ZCSP,” means the Zuni Child Support Program, which is the Zuni Tribe’s Title IV-D Agency.

§11-9-3. Establishment of Zuni Child Support Program

There is hereby established the Zuni Child Support Program to serve as the Tribe’s IV-D Agency, for purposes of Title IV-D of the Social Security Act, with authority to undertake the responsibilities under this Title of the Tribal Code.



§11-9-4. Full Faith and Credit

In order for the Zuni Tribe to comply with the Full Faith and Credit For Child Support Orders Act, 28 U.S.C. §1738B (the “Full Faith and Credit Act”) and 45 CFR §309.120(b) and to fulfill the purposes of this title, the Tribe shall recognize child support orders issued by other tribes, tribal organizations and states in accordance with the requirements under the Full Faith and Credit Act. In the event that any provision law of this title is in conflict with the provisions of the Full Faith and Credit Act, the provisions of the Full Faith and Credit Act shall control, but only with respect to the recognition of child support orders issued by other tribes, tribal organizations or states.

§11-9-5. Sovereign Immunity

To permit the enforcement of this Act, the Tribe waives its sovereign immunity from suit for the limited purpose of an income withholding order brought to the Tribe in compliance with Section 8.8 of this Act, to collect monies from wages owed to an employee of the Tribe. For this limited purpose, the relief permitted here against the Tribe is injunctive only and may be utilized only as expressly provided in Section 8.8. No other waiver of the Tribe’s immunity from suit, whether express or implied, is permitted under this Act.

