

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 6: Garnishment

§ 1170. Definitions

Cite as: 12 CNCA § 1170

A. For the purposes of this section and 12 CNCA §§ 1171.2 through 1171.4:

1. **"IV-D agency"** means an agency of a state or federally-recognized tribe entering, enforcing, or collecting child support payments under Subchapter IV of Chapter 7 of the Social Security Act found in Title 42 of the United States Code.
2. **"Arrearage"** means the total amount of unpaid support obligations.
3. **"Child support"** means and includes all payments or other obligations due and owing to the person entitled by the obligor pursuant to a child support order, including but not limited to medical insurance or health care premiums and other medical expenses, current child care obligations, child care arrearages and any fixed child care obligations and such other expenses and requirements as determined by the District Court.
4. **"Delinquency"** means any payment under an order for support which becomes due and remains unpaid.
5. **"Disposable income"** means income or earnings less any amounts required by law to be withheld, including, but not limited to, federal, state, and local taxes, Social Security, and public assistance payments.
6. **"Income"** or **"earnings"** means any form of payment to an individual regardless of source including, but not limited to, wages, gaming winnings, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by law.
7. **"Income assignment"** is a provision of a support order which directs the obligor to assign a portion of the monies, income, or periodic earnings due and owing to the obligor to the person entitled to the support or to another person designated by the support order or assignment for payment of support or arrearages or both. The assignment shall be in an amount which is sufficient to meet the periodic support arrearages or other maintenance payments or both imposed by the Court

order or administrative order. The income assignment shall be made a part of the support order.

8. **"Notice of income assignment"** means the standardized form prescribed by the United States Secretary of Health and Human Services that is required to be used in all cases to notify a payor of an order to withhold for payment of child support and other maintenance payments.

9. **"Obligor"** means the person who is required to make payments under an order for support.

10. **"Payor"** means any person or entity paying monies, income, or earnings to an obligor. In the case of a self-employed person, the **"payor"** and **"obligor"** may be the same person.

11. **"Person entitled"** or **"obligee"** means the person to whom a duty of support is owed as designated in the support order or as otherwise specified by the Court.

12. **"Support order"** means an order for the payment of child support issued by the District Court, the Office of Child Support Enforcement or the IV-D agency of another state or tribe.

B. For the purposes of prejudgment garnishments, **"judgment creditor"** includes prejudgment garnishors.

Historical Data

LA 10-07, eff. March 17, 2007.