

Cherokee Nation Code Annotated

Title 43: Marriage and Family

Chapter 6: Child Support Guidelines

§ 512. Past due support payments as judgment—Arrearage payment schedule

Cite as: 43 CNCA § 512

A. Any payment or installment of child support ordered pursuant to any order, judgment, or decree of the Court or administrative order of Cherokee Nation, another tribal government, or a state department of human services, or an equivalent state/tribal organization, is, on and after the date it becomes past due, a judgment by operation of law. Judgments for past due support shall:

1. have the full force and effect of any other judgment of Cherokee Nation, including the ability to be enforced by any method available under the laws of Cherokee Nation and the State of Oklahoma to enforce and collect money judgments; and
2. be entitled to full faith and credit as a judgment in Cherokee Nation and any state or tribal government.
3. An order that provides for payment of child support, if willfully disobeyed, may be enforced by indirect civil contempt proceedings, notwithstanding that the support payment is a judgment on and after the date it becomes past due. Any amounts determined to be past due by the Court may subsequently be enforced by indirect civil contempt proceedings.

B. An arrearage payment schedule set by the Court or administrative order of Cherokee Nation shall not exceed three (3) years, unless imposition of a payment schedule would be unjust, inequitable, unreasonable, or inappropriate under the circumstances, or not in the best interests of the child or children involved. When making this determination, reasonable support obligations of either parent for other children in the custody of the parent may be considered. If an arrearage payment schedule that exceeds three (3) years is set, specific findings of fact supporting the action shall be made.

C. The Office of Child Support Services shall have the authority to negotiate a lump sum payment to settle a child support arrearage and interest due thereon. Consent of the payee shall be required.

Historical Data

LA 12-05, eff. March 21, 2005. Amended LA 32-06, eff. December 20, 2006; LA 12-12, eff. May 18, 2012.