

Cherokee Nation Code Annotated
Title 43: Marriage and Family
Chapter 6: Child Support Guidelines
§ 508A. Definitions
Cite as: 43 CNCA § 508A

A. **"Adjusted Gross Income"** (AGI) means the net determination of the income of a parent, calculated by modifying the gross income of the parent as follows:

1. adding to the gross income of the parent any Social Security benefit paid to the child on the account of the parent,
2. deducting from gross income the amount of any support alimony arising in a prior case to the extent that payment is actually made, and
3. deducting from gross income any deductions as set forth for other prior-born or after-born children for whom the parent is legally responsible and is actually supporting, pursuant to Section 508C of this title.

B. **"Base Child Support Obligation"** means the amount of support displayed on the Schedule of Basic Child Support Obligations which corresponds to the combined AGI of both parents and the number of children for whom support is being determined. This amount is rebuttably presumed to be the appropriate amount of basic child support to be provided by both parents in the case immediately under consideration, prior to consideration of any adjustments for medical and child care costs, and any other additional expenses.

C. **"Child"** means:

1. a person under eighteen (18) years of age; and
2. a person eighteen (18) or more years of age with respect to whom a child support order has been issued pursuant to the laws of a state or a federally recognized tribe or nation.

D. **"Child Support"** means a payment of money, continuing support or arrearages or the provision of a benefit (including payment of health insurance, child care, and educational expenses) for the support of a child.

E. **"Child Support Order"**:

1. means a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and

2. includes:

- a. a permanent or temporary order, and
- b. an initial order or a modification of an order.

F. **"Court"** means a court or administrative agency of a state or tribe that is authorized by state or tribal law to establish the amount of child support payable by a contestant or make a modification of a child support order.

G. **"Current Monthly Child Support Obligation"** means the base child support obligation and the proportional share of any medical insurance and annualized child care costs.

H. **"Custodial Party"** means a parent or third-party caretaker who has physical custody of a child more than one hundred eighty-two (182) days per year.

I. **"Non-Custodial Parent"** means a parent who has physical custody of a child one hundred eighty-two (182) days per year or less.

J. **"Obligee"** means

- 1. the person or entity to whom a support obligation is owed,
- 2. the Office of Child Support Services or a public agency of another state or tribe that has the right to receive current or accrued support payments or that is providing support enforcement services, or
- 3. a person designated in a support order or as otherwise specified by the court.

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

L. **"Overnight"** means the child is in the physical custody and control of a parent for an overnight period of at least twelve (12) hours, and that parent has made a reasonable expenditure of resources for the care of the child. The twelve-(12) hour period could be during the day if the child is under school age.

M. **"Parenting Time Adjustment"** means an adjustment to the base child support amount based upon parenting time.

N. **"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.

O. **"Social Security Title II Benefits"** means any benefits received pursuant to the provisions of Title II of the federal Social Security Act, 42 USC § 401 *et seq*, as amended.

Historical Data

LA 12-12, eff. May 18, 2012. Amended LA 05-17, eff. March 25, 2017.

2017 Legislation

LA 05-17, Section 2, provides:

"Section 2. Purpose. The purpose of this Act is to make amendments to the Cherokee Nation Child Support Guidelines, codified at 43 CNCA § 507 et seq."