

Cherokee Nation Code Annotated

Title 43: Marriage and Family

Chapter 6: Child Support Guidelines

§ 508C. Deductions from gross income for qualified other children

Cite as: 43 CNCA § 508C

A. Deductions for other children of either parent who are qualified under this section may be considered by the Court for the purpose of reducing the gross income of the parent.

Adjustments are available for a child:

1. Who is the biological, legal, or adopted child of the parent;
2. Who was born prior to or after the child in the case under consideration;
3. Whom the parent is actually supporting; and
4. Who is not before the Court to set, modify, or enforce support in the case immediately under consideration.

B. Children for whom support is being determined in the case under consideration, stepchildren, and other minors in the home that the parent has no legal obligation to support shall not be considered in the calculation of this deduction.

C. If the Court finds a parent has a parent-child relationship with a child not before the Court, the Court may grant a deduction for that child as set forth in subsection (D) of this section.

D. Calculation of deduction for qualified other children.

1. Out-of-home children.

a. To receive a deduction against gross income for child support provided pursuant to a court order for qualified other children whose primary residence is not in the home of the parent seeking deduction, the parent shall establish the existence of a support order and provide documented proof of support paid for the other child consistently over a reasonable and extended period of time prior to the initiation of the proceeding that is immediately under consideration by the tribunal, but in any event, such time period shall not be less than twelve (12) months.

b. Documented proof of support includes:

i. physical evidence of monetary payments to the caretaker of the child, such as canceled checks or money orders, and

ii evidence of payment of child support under another child support order, such as a payment history from a tribunal clerk or child support office.

c. The available deduction against gross income for either parent's qualified children not in the home of the parent is the actual documented court-ordered current monthly child support obligation of the qualified other children, averaged to a monthly amount of support paid over the most recent twelve-month period.

2. In-home children.

a. To receive a deduction against gross income for qualified other children whose primary residence is with the parent seeking deduction, but who are not part of the case being determined, the parent must establish a legal duty of support and that the child resides with the parent more than fifty percent (50%) of the time. Documents that may be used to establish that the parent and child share the same residence include the school or medical records showing the address of the child and the utility bills of the parents mailed to the same address, court orders reflecting the parent is the primary residential parent or that the parent shares the parenting time of the child fifty percent (50%) of the time.

b. The deduction for other qualified children shall be computed as a hypothetical child support order calculated using the deduction worksheet the gross income of the parents, the total number of qualified other children living in the home of the parent, and the Oklahoma Child Support Guideline Schedule, 43 O.S. § 119, as amended.

c. The available deduction against gross income for the qualified in-home children of either parent is seventy-five percent (75%) of a hypothetical support order calculated according to these Guidelines, using the Deduction Worksheet, the gross income of the parent less any self-employment taxes paid, the total number of qualified other children living in the home of the parents, and the Oklahoma Child Support Guideline Schedule in 43 O.S. § 119, 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."