



**CCTHITA EMPLOYMENT & TRAINING
TRIBAL CHILD SUPPORT UNIT (TCSU)
Tribal Child Support Schedule
Standards for Determining Support Obligations**

TCSU 1.01 Introduction

(1) AUTHORITY AND PURPOSE.

This Child Support Schedule (herein "Schedule") is made under the policy-making authority of the Tribe through its Employment and Training Department for establishing a standard to be used in determining child support obligations. Pursuant to Title 10, the Family Responsibility Act, this Schedule is binding on the IV-D Program and the Court.

(2) APPLICABILITY. This chapter applies to any petition for a temporary or final order for child support of a marital or nonmarital child in an action affecting a family under Title 10, the Family Responsibility Act.

(3) REBUTTABLE PRESUMPTION. The basic child support obligations using the application of the formulas established in the Schedule in any proceeding to establish or modify support are presumptive and considered the correct amount unless the presumptive amount is rebutted by a preponderance of the evidence and is supported by written findings on the record of the court that the application of the guidelines would be unjust or inappropriate in a particular case in accordance with the factors set out in the TCSU Schedule.

(4) EFFECT OF RULE CHANGE. A modification of any provision in this chapter shall not in and of itself be considered a substantial change in circumstances sufficient to justify a revision of a judgment or order under Title 10. A modification of any provision in this chapter shall apply to orders established after the effective date of the modification. The Schedule provides for review of the established formulas every four years to ensure

that the TCSU is responsive to children's needs and the earning capacity of non-custodial parents.

TCSU 1.02 Definitions. In this chapter:

(1) "Acknowledgement of paternity" means both the mother and the father voluntarily signed and filed a tribal approved form or a comparable form from another tribe or state, and the time to appeal the acknowledgement has expired.

(2) "Adjusted monthly income available for child support" means the monthly income at which the child support obligation is determined for serial family payers, which is the payer's monthly income available for child support less the amount of any existing legal obligation for child support.

(3) "Basic support costs" means food, shelter, clothing, transportation, personal care, and incidental recreational costs.

(4) "Child" means the natural or adopted child of the payer.

(5) "Child support" or "child support obligation" means an obligation to support a marital child either in an intact family or as a result of a court order, or an obligation to support the payer's nonmarital child as a result of a court order, adoption, subsequent marriage or an acknowledgement of paternity.

(6) "Court" means the Court or Magistrate for the Central Council Tlingit and Haida Indian Tribes of Alaska.

(7) "Dependent household member" means a person for whom a taxpayer is entitled to an exemption for the taxable year under 26 USC 151.

(8) "Equivalent care" means a period of time during which the parent cares for the child that is not overnight, but is determined by the court to require the parent to assume the basic support costs that are substantially equivalent to what the parent would spend to care for the child overnight.

(9) "Federal dependency exemption" means the deduction allowed in computing taxable income pursuant to 26 USC 151 for a child of the taxpayer who has not attained the age of 19 or who is a student.

(10) "Gross income."

___(a) "Gross income" means all of the following:

1. Salary, wages, bonuses, and commissions.
2. Interest and investment income.
3. Social Security disability and old-age insurance benefits under 42 USC 401 to 433.
4. Net proceeds resulting from worker's compensation or other personal injury awards intended to replace income. The portion of worker's compensation awards not intended to replace income is excluded from gross income in establishing a child support order but may be subject to assignment for the collection of past due child support.
5. Unemployment insurance.
6. Gifts and prizes greater than or equal to \$1000 in value; \$250 if the payer is more than three months behind in making regular support payments.
7. The State of Alaska Permanent Fund.
8. Voluntary deferred compensation, employee contributions to any employee benefit plan or profit-sharing, and voluntary employee contributions to any pension or retirement account whether or not the account provides for tax deferral or avoidance.
9. Military allowances and veterans benefits.
10. Undistributed income due a member of a corporation or partner of a business, or a self-employed parent which the parent has an ownership interest sufficient to individually exercise control or to access the earnings of the business, less a reasonable allowance for economic depreciation on assets, as determined under federal income tax laws and regulations, and reasonable operating capital.
11. All other income, whether taxable or not, unless exempted by the Tribe under applicable Federal law,

(b) except that gross income does not include any of the following:

- I. Child support.
2. Child support obligations incurred as a result of a Court Order for child(ren) in a subsequent family.
3. Foster care payments received from a tribe or a state.
4. Public assistance benefits received from a tribe or a state, except that childcare subsidy payments shall be considered income to a childcare provider.
5. Food stamps under 7 USC 2011 to 2036.
6. Supplemental Security Income under 42 USC 1381 to 1383f and

comparable state supplemental payments.

7. Payments made for social services or any other public assistance benefits.

8. Child support for children living with the parent, calculated by using the formula provided by this schedule.

(11) "Health Care expenses" means and includes medical, dental, vision and mental health counseling expenses.

(12) "Imputed income" means a base amount on which to determine a support obligation equivalent to part-time employment (30 hours per week) at the current Federal minimum wage. Income may also be imputed based upon the actual earning capacity of a payer based on the parent's education, training and recent work experience, earnings during previous periods, and the availability of work in or near the parent's community.

(13) "Intact family" means a family in which the child and the payer reside in the same household, and the payer shares his or her income directly with the child, and has a legal obligation to support the child(ren).

(14) "Marital child" means a child born to a husband and wife during a marriage.

(15) "Monthly income available for child support" means the monthly income at which the child support obligation is determined, which is calculated by adding the parent's annual gross income; or the parent's annual imputed income based on earning capacity.

(16) "Parent" means the natural or adoptive parent of the child.

(17) "Payee" means the person who is the recipient of child support as a result of a court order.

(18) "Payer" means the parent who incurs a legal obligation for child support as a result of a court order.

(19) "Program" means the CCTHITA Tribal Child Support IV-D Program or the CCTHITA Tribal Child Support Unit.

(20) "Serial family payer" means a payer with an existing legal obligation for child support who incurs

an additional legal obligation for child support in a subsequent family as a result of a court order.

{21} "Shared-placement payer" means a parent who has a court-ordered period of placement of at least 30%, (122 days of the year) and is ordered by the court to assume the child's basic support costs in proportion to the time that the parent has placement of the child, and is determined to owe a greater support amount than the other parent under this Schedule and Title 10.

{22} "Split-placement payer" means a payer who has two or more children and who has physical placement of one or more but not all of the children.

{23} "Standard" or "percentage standard" means the percentage of income standard under the TCSU schedule Chapter 1, which, when multiplied by the payer's monthly income available for child support results in the payer's child support obligation.

{24} "Title 10" means CCHITA Statute, Title 10, and the Family Responsibility Act.

{25} "Tribe" means the Central Council of Tlingit and Haida Indian Tribe of Alaska unless used in its lower-case format or in connection with "tribal and state" Courts or IV-D Programs.

{26} "Variable costs" means the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to, the cost of childcare, tuition, a child's special needs, and other activities that involve substantial cost.

{27} "Worksheet" means the Program's Support Obligation standard worksheet, or other supporting worksheets developed by the Program.

TCSU 1.03 Support Orders.

(1) DETERMINING CHILD SUPPORT USING THE PERCENTAGE STANDARD. The court shall determine a parent's monthly income available for child support by adding together the parent's annual gross income or the parent's annual imputed income, and any other assets of the parent, and dividing that total by 12. This may be done by completing the Program's worksheet, although use of the worksheet is not required. Except as otherwise provided for in TCSU 1, the percentage of the parent's monthly income available for child support or adjusted

monthly income available for child support that constitutes the child support obligation shall be:

- (a) 15% for one child;
- (b) 20% for two children;
- (c) 24% for three children;
- (d) 27% for four children; and
- (e) 29% for five or more children.

Increases 2% for each additional child up to a maximum of 35%.

(2) DETERMINING INCOME MODIFIED FOR EXPENSES.

In determining a parent's monthly income available for child support under **TCSU 1.03 (1)** the court may adjust a parent's gross income, if not already accounted for under another section of this chapter, as follows:

(a) Adding income that meets the criteria in **TCSU 1.02(10)(a)** and that the court determines is not reasonably necessary for the growth of the business.

(b) Reducing gross income by the business expenses that the court determines are reasonably necessary for the production of that income or operation of the business and that may differ from the determination of allowable business expenses for tax purposes.

(c) Reducing gross income for mandatory union or professional dues necessary to maintain current employment or employment in the payer's field of expertise.

(d) Reducing gross income for Court ordered spousal maintenance to the extent actually paid.

(e) Reducing gross income for normal business expenses and self-employment taxes for self-employed persons.

(f) Reducing gross income based on benefits received by a child under 42 USC 402 (d) based on a parent's entitlement to federal disability or old-age insurance benefits under 42 USC 401 to 433 by subtracting one-half of the amount of the child's social security benefit. In no case may this adjustment require the payee to reimburse the payer for any portion of the child's benefit.

The burden of proving the legitimacy of any of the above adjustments is on the party claiming or requesting the adjustment.

(3) DETERMINING IMPUTED INCOME.

(a) If a parent is voluntarily unemployed or underemployed, the court may impute income to the parent at an amount that represents the parent's ability to earn income.

Factors that may be considered include:

1. The Parent's education, training and recent work experience.
2. Earnings during previous periods.
3. The parent's current physical, emotional and mental health.
4. The availability of work in or near the parent's community.

(b) If evidence is presented that due diligence has been exercised to ascertain information on the parent's actual income or ability to earn and that information is unavailable, the court shall impute to the parent the income that a person would earn by working 30 hours per week for the federal minimum hourly wage under 29 USC 206 (a)(1).

(4) DETERMINING INCOME IMPUTED FROM ASSETS.

The court may impute income to a parent's assets if the court finds the parent has ownership or control over any real or personal property, including but not limited to, land, luxury vehicles, life insurance, cash and deposit accounts, stocks and bonds, business interests, allowable worker's compensation, and other personal injury awards. The court shall consider:

1. If the parent has diverted income into assets to avoid paying child support or
2. The income is necessary to maintain the child or children at the standard of living they would have had if they were living with both parents.

(5) FIXED AMOUNT. All child support calculations shall be expressed as a fixed sum, rounded to the nearest dollar, i.e., .50 = \$1.00 and .49 = .00) based upon the TCSU Schedule and having taken into consideration the provisions of this chapter and Title 10 that are applicable to the payer's income.

(6) DEVIATION FROM PERCENTAGE STANDARD.

(a) The court may order another percentage for determining the amount of a support order, if, after considering the factors allowed by the Schedule and Title 10, and the Court finds by the greater weight of evidence that use of the percentage standard is unfair to the child or to any of the parties.

(b) If the court modifies the percentage for determining the amount of a support order, the Court shall state in writing the amount of support that would have been required, the amount of the deviation and the reasons for the deviation.

TCSU 1.04 Determining Child Support Obligations in Special Circumstances.

(1) SERIAL FAMILY PAYER.

(a) *Applicability.* This subsection applies only if the additional child support obligation incurred by a payer is the result of a court order and the support obligation being calculated is for children from a subsequent family or subsequent paternity judgment or acknowledgment. A payer may not use the provisions of this subsection as a basis for seeking modification of an existing order based on a subsequently incurred legal obligation for child support.

(b) *Determination.* For a serial-family payer the child support obligation incurred for a marital or nonmarital child in a subsequent family as a result of a court order may be determined as follows:

1. Determine the payer's monthly income available for child support under TCSU 1.03.
2. Determine the order of the payer's legal obligations for child support by listing them according to the date each obligation is incurred.
 - a. For a marital child, the legal obligation for child support is incurred on the child's date of birth.
 - b. For a nonmarital child, the legal obligation for child support is incurred on the date of the court order.
 - c. For a nonmarital child in an intact family, it is incurred on the date of adoption or the date of the filing of an acknowledgement of paternity.

d. For a nonmarital maternal child in an intact family, it is incurred on the child's date of birth;

3. Determine the first child support obligation as follows:

- a. If the payer is subject to an existing support order for that legal obligation, except a shared-placement order the support for that obligation is the monthly amount of that order; or
- b. If the payer is in an intact family or is subject to a shared-placement order, the support is determined by multiplying the appropriate percentage under TCSU 1.03 for that number of children by the payer's monthly income available for child support;

4. Adjust the monthly income available for child support by subtracting the support for the first legal obligation from the payer's monthly income available for child support under subd. 1;

5. Determine the second child support obligation as follows:

a. If the payer is subject to an existing support order for that legal obligation, except a shared-placement order, the support for that obligation is the monthly amount of that order; or

b. If the payer is in an intact family or is subject to a shared placement order, the support is determined by multiplying the appropriate percentage under TCSU 1.03 for that number of children by the payer's monthly income available for child support;

6. Adjust the monthly income available for child support a second time by subtracting the support for the second legal obligation determined under subd. 5 from the first adjusted monthly income available for child support under subd. 4;

7. Repeat the procedure under 5. and 6. for each additional legal obligation for child support the serial family payer has incurred;

8. Multiply the appropriate percentage under TCSU 1.03 for the number of children subject to the new order by the final adjusted monthly income available for child support determined in either 6. or 7. to determine the new child support obligation.

Note: The following example shows how the child support obligation is determined for a serial-family payer whose additional child support obligation has been incurred for a subsequent family.

Assumptions:

Parent A's current monthly income available for child support is \$3,000.

Parent A and Parent 8 were married, had a child in 1990 and divorced in 1991. Parent A is subject to an existing support order of \$390 per month.

Parent A remarries and has two children, one born in 1996 and the other in 1997, and remains an intact family.

Parent A was adjudicated father in 1998 for a child born in 1995. Child support needs to be established for this child.

Order of parent A's legal obligation for child support.

First legal obligation: one child (1990) (divorce)
 Second legal obligation: 2 children (1996 and 1997) (intact family)
 Third legal obligation: one child (1998) paternity

Calculation:

Parent A's current monthly income available for child support
 \$3000

The first legal obligation is subject to
 An existing monthly support order \$390
 (divorce)

Adjust the monthly income available
 For child support \$3000
 - 390
 \$2610

First adjusted monthly income
 available for child support \$2610

Determine support for the second legal
 obligation (intact family) $\times .18$
 \$470

Adjust the first adjusted monthly
 Income available for child support \$2610
 -470
 \$2140

$\times .13$
 \$278

Determine support for the third
 legal obligation

(2) SHARED PLACEMENT.

(a) Applicability. The shared-placement formula may be applied when both of the following conditions are met:

I. Both parents have court-ordered periods of placement of at least 30%, or 122 days a year. The period of placement for each parent shall be determined by calculating the number of overnights or equivalent care ordered to be provided by the parent and dividing that number by 365. The combined periods of placement for both parents shall equal 100%.

2. Each parent is ordered by the court to assume the child's basic support costs in proportion to the time that the parent has placement of the child.

(b) The child support obligations for parents who meet the above requirements may be determined as follows:

1. Determine each parent's monthly income available for child support under s. TCSU 1.03. In determining whether to impute income based on earning capacity for an unemployed parent or a parent employed less than full time, the court shall consider benefits to the child of having a parent remain in the home during periods of placement and the additional variable day care costs that would be incurred if the parent worked more.

2. Multiply each parent's monthly income available for child support by the appropriate percentage standard under TCSU 1.03.

3. Multiply each amount determined under subd. 2. by 150%. The 150% accounts for household maintenance expenditures duplicated by both parents, such as a bedroom, clothes, and personal items.

4. Multiply the amount determined for each parent under subd. 3. By the proportion of the time that the child spends with the other parent to determine each parent's child support obligation.

5. Offset resulting amounts under subd. 4. against each other. The parent with a greater child support obligation is the shared-placement payer. The shared-placement payer shall pay the lesser of the amount determined under this subd. or the amount determined using the appropriate percentage standard under TCSU 1.03.

6. In addition to the child support obligation determined under subd. 5, the court shall assign responsibility for payment of the child's variable costs in proportion to each parent's share of physical placement, with due consideration to a disparity in the parents' incomes. The court shall direct the manner of payment of a variable cost order to be either between the parents or from a parent to a third- party service provider. The court shall not direct payment of variable costs to be made to the program or the program's designee, except as incorporated in the fixed sum expressed in a child support order.

Note: The following example shows how to calculate the child support obligations of shared-placement parents.

Number of children: Two

Parent A: \$2000 monthly income available for child support. Court ordered placement of the children for 219 days a year or 60%.

Parent B: \$3,000 monthly income available for child support. Court ordered placement of the children for 146 days a year or 40%.

	Parent A	Parent B
Income:	\$ 2000	\$ 3000
% std 2 children	$2000 \times 18\% = 360$	$3000 \times 18\% = 540$
Amt x 150%	$360 \times 150\% = \$540$	$540 \times 150\% = 810$
Amt x Time	$540 \times 40\% = 216$	$810 \times 60\% = 486$
Offset	$486 - 216 = \$270$	

The court also assigns responsibility for payment of the child's variable costs. Manner of payment between the parents or from a parent to a third party provider, except as incorporated in the fixed sum or percentage expressed child support order.

(3) SPLIT PLACEMENT

(a) Determining the child support obligations of split placement parents. For parents who have 2 or more children and each parent has placement of one or more but not all of the children, the child support obligations may be determined as follows:

1. Determine each parent's monthly income available for child support under s. TCSU 1.03.

2. Multiply each parent's monthly income available for child support by the appropriate percentage under s. TCSU 1.03 for the number of children placed with the other parent to determine each parent's child support obligation.

3. Offset resulting amounts against each other. The parent with a greater child support obligation is the split-placement payer.

Note: The following example shows how to calculate the amount of child support for split-placement parents:

Assumptions:
Parent A and B have 3 children

Parent a has placement of one child and Parent B has placement of 2 children.

Parent A's monthly income available for child support is \$3,000.

Parent B's monthly income available for child support is \$1,500.

Calculation:
Parent A's child support obligation is:

$\$3000 \times .13 = \390

Parent B's child support obligation is:
 $\$1500 \times .18 = \270

Parent A owes Parent B $\$390 - 270 = \120

(4) IN KIND SUPPORT.

(a) Consistent with Tlingit and Haida culture, custom and tradition, in-kind services or goods to support a child or the family are common. The Court may permit the use of in-kind services to satisfy current child support obligations. Parties must obtain prior Court approval before in-kind support can be used to satisfy a child support obligation. All Tribal Support Orders allowing non-cash payments shall also state the specific dollar amount of the support obligation and describe the types of non-cash support that will be permitted to satisfy the underlying specific dollar amount of the support order.

(b) *Exception.* Non-cash payments will not be permitted to satisfy assigned support obligations.

(c) *Extended Family.* Whenever extended family are able to provide food, clothing, shelter, or other basic needs for the child(ren), such services or resources may be applied as a set-off against the child support obligation if prior authorization by court order is provided.

(5) SEASONAL INCOME.

(a) Seasonal or non-recurring income. If the income of either parent is seasonal or non-recurring, the obligation may be set on a schedule that varies the amount at different times of the year.

(6) LOW INCOME PAYER.

(a) The court may use a lower percentage amount than is provided in this Schedule to determine the support amount for a payer with a monthly income that is 125% of the poverty guidelines for the State of Alaska, or the Federal level of poverty if residing in another state, if the following apply:

1. The payer's lack of available income is not due to his or her own actions; and
2. The payer is working and providing to their full capacity for all of his or her children.

(b) *Minimum Child Support Payment.* The court may set an order at an amount appropriate for the payer's total economic circumstances. The minimum child support amount that may be ordered is \$50 per month.

(c) When the Court orders an amount of support that is lower than the percentage required under this Schedule, the program shall review the support obligation and the payer's total economic circumstances at least once a year. If there is a substantial change in circumstances, the program shall request a revision of the support obligation.

(7) HIGH INCOME PAYER

(a) The court may use a lower percentage amount than is provided in this Schedule to determine the support amount for a payer with an annual income of \$ 100,000 or more. The reduced percentage shall not exceed the total sum for support based upon the percentage required for the corresponding number children of this Schedule.

(b) If the custodial parent's income is 75 percent of the payer's income, this section shall not apply.

8) OTHER FAMILY OBLIGATIONS.

(a) *Health Insurance.* The court shall address health care insurance in the order for support. The Court may order one or both parents to enroll a child on a health insurance policy or each parent to contribute a certain amount towards the child's health care. TCSU will not collect or distribute health care funds.

(b) *Child care expenses.* Both parents have an obligation to contribute to work related day care and special child rearing expenses. The Court may enter a child support order to include a duty to provide for day care expenses. TCSU will not collect or distribute child care expenses.

(c) *Uncovered Health Care Expenses.* The court shall allocate equally between parties the cost of uncovered health care expenses under \$5,000 in a calendar year.

1. A party shall reimburse the other party for his or her share of the uncovered expenses within 30 days of receipt of the bill for the health care, payment verification, and if applicable, a health insurance

statement indicating what portion of the cost is uncovered.

2. Reasonable uncovered health care expenses exceeding \$5,000 in a calendar year will be allocated based on parties' relative financial circumstances when expenses occur,

(c) *Unusual Expenses for Activities of the Child.* The court shall allocate equally between parties the cost of unusual expenses, i.e., extra curricular activities, etc., unless the court orders otherwise for good cause.

(9) SPECIAL CONSIDERATIONS

(a) *Incarceration.* Past-due support may accumulate while the non-custodial parent is in jail. But unless he/she has other assets, such as property or any income such as wages for work-release, it is unlikely that support will be collected while in jail. Support orders may be modified so that payments are deferred or reduced until the non-custodial parent is released.

(b) *Military.* Members of the military are subject to the same wage withholding requirements as other public or private employees. Federal garnishment procedures will be used in most instances. If a service member is not meeting the support obligation, a wage withholding order can be sent to the designated military center. Support orders may be reduced or court proceedings stayed based upon the **Servicemembers Civil Relief Act (SCRA).**

(c) *Bankruptcy.* Child support payments cannot be discharged in bankruptcy. This means that a parent who owes child support cannot escape this duty by filing for bankruptcy. As of October 1994 bankruptcies do not act as a stay or hold on actions to establish paternity or to establish or modify a child support order.

(10) ESTABLISHMENT OF PRE-ORDER ARREARS.

a) Up to an additional 20% of support payments or such amount as the court orders after notice and hearing shall be withheld each month to compensate for any accrual delinquent payments until the delinquency is satisfied.

(b) Calculation of arrears under an existing order requires an affidavit from the custodian listing the monies received directly from the non-custodial parent.

(c) If child support is initiated by the state or Tribe because public assistance is being provided on behalf of the child for whom support is sought or because the child is in state foster care, TCSU may establish arrears beginning as of the first month in which state or Tribal assistance was provided on behalf of the child or the first month of state placement, but not to exceed six years before the service on the obligor of the notice and finding of financial responsibility, or a paternity complaint, whichever is the earliest; TCSU will establish arrears up to the effective date of the ongoing support obligation for the child, including any arrears owed to the custodial parent if the state or Tribal assistance or state placement terminates for any period of time before the service of the notice and finding of financial responsibility.

(d) If child support is initiated by the custodial parent, TCSU will establish arrears beginning as of the date the custodial parent most recently applied for TCSU services; TCSU will establish arrears up to the effective date of the ongoing support obligation, including any arrears owed to the state or Tribe because the child received public assistance or was placed in state custody or state foster care after the most recent application by the custodial parent for services; however, any arrears owed to the state or Tribe may not exceed six years before the service on the obligor of the Notice and Finding of Financial Responsibility, a Notice of Paternity and Financial Responsibility, or a paternity complaint, whichever is earliest.

(e) If the custodial parent withdraws from TCSU services before the service on the obligor of the Notice and Finding of Financial Responsibility, TCSU will

I. Complete the establishment of arrears if the child for whom support is sought has received public assistance or was in state foster care or state placement for any period of time to be covered by the order; however, in the order TCSU will not establish arrears that exceed the total public assistance grant amount, or

I. terminate its action to establish arrears if the child for whom support is sought has not received public assistance or been in state foster care or state placement for any period of time to be covered under the order.

(l) When calculating arrears owed to the custodial parent, TCSU will give credit for direct payments made by or on behalf of the obligor directly to the custodial parent in the form of cash, a money order, a check made payable to the custodial parent

when evidence is presented to the Court that shows a likelihood, in the determination of the Court, that the direct payment was actually made to the custodial parent for the period for which arrears are being calculated and that the direct payment was intended by both parents to be a direct payment of child support.

(g) When giving credit for direct or in-kind services, TCSU will give credit only up to the amount of the support that is being charged for the period for which support is established. If the direct payments or in-kind contributions exceed the amount of the support established, the excess payments or contributions will be treated as voluntary payments for which TCSU will not give credit unless a parent provides clear and convincing evidence that both parents intended the payment or contributions as future child support. TCSU will not give credit for the excess payments or contributions as future child support for any period of time in which the child received public assistance, or was in state foster care or state placement.

(11.) *Termination of Support.*

(a) *Case Closure.* Case closure occurs when the child support obligation has been fully met and the child has reached the age of majority or has been emancipated.

(b) *Emancipation.* A child will be considered emancipated when one of the following occurs:

- (1) The child reaches the age of 18 and is not enrolled full time in high school; or
- (2) The child marries;
- (3) The child enlists in the military;
- (4) An order of emancipation has been entered.

(c) *Withdrawal from Services.* The custodial parent may complete a withdrawal from services application at any time, with the understanding that if there is any child support owed to TANF, TCSU will continue to collect on behalf of TANF and that if any other party applied for services, the case will not be closed unless he or she withdraws from services. If the child has not emancipated, the child support order is still in effect and child support will continue to accrue, even though TCSU is not collecting. Upon withdrawal from services a written letter will be issued to both parties notifying them of the discontinuation of services of the custodial parent and any implications from this withdrawal.

(12.) MODIFICATION OF SUPPORT OBLIGATIONS:

(a) The future child support obligation of a NCP may be modified upon entry of an order by the CCTHITA Tribal Court upon a showing of substantial change of circumstances, including such circumstances as:

- (1) an increase or decrease in the NCP's yearly income of 15% or more;
- (2) a change in placement of minor from CP to NCP; or a
- (3) substantial change in circumstance as determined by the Court.

(b) Either party may petition for modification pursuant to the schedule or application for modification can be made to the TCSU. TCSU will then prepare a Motion to Modify the Child Support Obligation based upon the above criteria and submit to the Court for approval or denial.

(13) INCOME WITHHOLDING ORDERS:

(a) In determining the amount of an Income Withholding Order, TCSU will calculate the monthly amount by adding the following amounts:

- (1) Monthly ongoing support obligation; and
- (2) 20% of the current support amount to be applied towards arrears; or

(b) When there is no monthly support obligation due, TCSU will collect arrears in an amount equal to the current support obligation, or as otherwise ordered by the court.

(c) Unless federal law requires a lesser percentage, an order to withhold and deliver issued by the court may not exceed 40 percent of an obligor's net disposable earnings unless the court determines that there is good cause to increase the withholding amount. The withholding amount may not exceed the percentages under 15 U.S.C1673(b).

##