

Cherokee Nation

Office of Child Support Enforcement

&

Division of Children, Youth & Family Services



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The Authority

- Cherokee Nation v Georgia (1831)
 - The US Supreme Court held that Indian tribes were not foreign nations, but domestic dependent nations.



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The Authority

Worcester v Georgia (1832)

- Tribes are under the United States protection
- Tribes have sufficient power of sovereignty to prevent intrusions by the state and it is the federal government's responsibility to ensure that internal sovereignty is preserved



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Right of a Sovereign

- The right of a sovereign is to exercise independent governmental powers on behalf of a *people which have a common bond of association, territory and interests*



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Right of a Sovereign

- Federally recognized Indian tribes are not components, units, or entities of the federal government
- Tribal governments existed before the federal government was created
- Our authority to govern pre-existed European "discovery"



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The Reason

- We have a shared history, a unique cultural identity and a responsibility born out of a blood bond to provide services that benefit, empower and improve the daily lives of our people.



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The Mission

- The mission of the Cherokee Nation is **SSY** (Ga-Du-Gi).
- ✓ Working together as individuals, families, and community for a quality of life for this and future generations...



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Cherokee Nation Office of Child Support Enforcement

- We believe that Child Support is:
 - More than money
 - About supporting children and parents
 - About safe, healthy, happy children with a positive future
 - About helping families become self-sufficient
 - About helping non-custodial parents stay connected with their children
 - A way for parents to take responsibility
 - A way to help strengthen families



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- Our client is the child
- We will always do what's in the best interest of the child
- Making child support payments is a great first step, but keeping children connected to both parents in a safe and healthy environment is just as important



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- Cherokee Nation has exclusive jurisdiction over Cherokee children who are domiciled on trust or restricted land within its jurisdictional boundaries.
- Cherokee Nation Indian Child Welfare investigates allegations of child abuse and neglect on trust or restricted land within its jurisdictional boundaries. If child abuse or neglect is confirmed, a tribal district judge has the authority to take the child into protective custody and place that child in the custody of the Cherokee Nation.



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- When a Cherokee child is taken into the protective custody of the tribe the issue of placement is the first responsibility of Indian Child Welfare.
 - ✓ Placement with a relative is the preferred placement option and is considered to be in the best interest of the child. However, most of the families Indian Child Welfare encounters do not have adequate income to take on the expense of a child or children.



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- Indian Child Welfare believes that parents should provide for the support of their child. But in many instances when a child is removed from their home the parents are unemployed, do not have reliable transportation or live with other relatives.
- Parents are required to complete an individual service plan before their children can be returned to them, which includes obtaining housing, transportation, and obtaining counseling.



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- Indian Child Welfare makes a diligent effort to find services for their clients that are either free or the cost is on a sliding scale based on their income, but in a lot of cases the services they need to correct the conditions which led to their child being removed are expensive.
- When your client is unemployed, homeless and strung out, requiring them to pay child support can be an impossible burden initially.



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- Waiting until the client maintains employment and gets a few paychecks in hand, has obtained housing, transportation, etc. before enforcing child support can make a huge difference in the length and outcome of the child welfare case.
- If, after a reasonable amount of time has passed and the parents are unable to pay even a nominal amount toward their child's support it can be used in tribal court as a reason to terminate parental rights.



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Reasons Cherokee Child Are in Tribal Custody

- Physical abuse – 13 %
- Sexual abuse – 4 %
- Neglect – 37%
- Drug/alcohol abuse 45%



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Cooperative Efforts

- Establish reasonable support orders for families that are trying to be reunited with the children
 - ✓ Waive support while parents are in the early stages of their Case Plan, as long as they are complying with the Case Plan



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Cooperative Efforts

- Establish paternity for cases shared by the CNOCS and DCYFS
 - ✓ This represents a significant cost saving for DCYFS



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Cooperative Efforts

- Coordinate locate activities
- Co-locate offices
 - ✓ Attend staff meetings of each others programs



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Cooperative Efforts

- Utilize the same Judge and Court Staff
- Specialized staff:
 - ✓ employment/probation
 - ✓ domestic violence/substance abuse
 - ✓ fatherhood



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Paternity and Tribal Enrollment

- No Default Paternity
 - ✓ Negatively impacts tribal roles
 - ✓ There must be a blood connection to the Nation



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The Past

- *John Ross wrote in 1857: "If our rights of soil and self government, of self chosen institutions, are worth the toils and struggles of the past, they are worth present defense and continuation upon the most permanent footing. Years of trial and anxiety, of danger and struggle, have alone maintained existence of the Cherokee people as a distinct community. And as such must continue to be the case if we were to live as men ourselves and discharge a debt we owe to posterity."*



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The Future

- That debt to posterity must still be paid today. John Ross and our ancestors 150 years ago owed a debt to their Cherokee Nation and to those who came before them. Because they paid their debt, we are here today. We, as today's Cherokee Nation, must pay our debt so that tomorrow's Cherokee Nation will not only exist, but prosper and excel.



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