



CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska

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FOR IMMEDIATE RELEASE

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Indian Tribes' Child Support Legislation Enacted

While delegates gathered in Juneau for the 74th annual Tribal Assembly April 15-18, a victory for Alaska tribes was achieved and announced on the floor of the assembly that the Alaska Legislature passed Senate Bill 96, which amended the definition of "state" to include an "Indian Tribe" in the Uniform Interstate Family Support Act (UIFSA). The statutory clarification was sought by the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Central Council) to gain the necessary state recognition of Central Council's Tribal Court and child support orders. This triumph for all Alaska tribes was accomplished with the assistance of Central Council President Bill Martin, the Governor's Office, and through the diligence and determination of Delegate and Judiciary Sub-committee member Bob Loescher, Tribal Attorney Jessie Archibald, and Tribal Child Support Unit (TCSU) Manager Eddie Brakes. During the legislative session, Loescher, Archibald, and Brakes worked on a "government-to-government" basis to move the legislation through the House and Senate with the assistance of Senator Bettye Davis, Senator Albert Kookesh, Representative Bill Thomas, and members of the Alaska Bush Caucus.

In 1993, the National Uniform Law Commission approved the UIFSA and recommended that it be adopted by all states. Section 466(f) of the Social Security Act requires all states to adopt UIFSA as a condition of receiving federal funding for the state operation of child support services. The underlying premise of UIFSA is to increase cooperation between jurisdictions and encourage jurisdictions to have respect and tolerance for the laws of other states and nations in order to facilitate child support enforcement. When Alaska adopted the UIFSA in 1995, legislators omitted the words "Indian Tribe" from the definition of "state" and it has stood as the only state to make this deliberate exclusion.

In 2007, Central Council received federal approval for Tribal IV-D funding under the Social Security Act to operate the TCSU and provide child support services to tribal citizens. TCSU was created to ensure that Tlingit and Haida children receive the emotional and financial support of both parents and strives to support and affirm the traditions of the Tribe and tribal families when making decisions on paternity, child support obligations, and the enforcement of these obligations.

Since its inception, TCSU has coordinated the transfer of hundreds of existing child support cases with the State of Alaska that involve tribal children. Although the child support cases were easily transferred, the tribal court and TCSU have struggled with the state to follow through on the tribal court and child support orders due to jurisdictional questions.

With the State of Alaska now in conformity with other states, Central Council hopes to establish the jurisdictional right of the Tribe to operate its tribal court and child support unit, and to advance the state's recognition of the orders and administrative actions produced by Central Council's Tribal Court and TCSU. Senate Bill 96 will become effective on July 1, 2009 and includes an uncodified provision regarding legislative intent, which was negotiated by Central Council and provides that the state will remain "neutral" on jurisdictional issues.

Native parents and families need the cooperation between tribal governments and the Alaska state government in order for tribal children to be cared for, protected by and benefit from the intervention of any government in the internal affairs of Native families with regard to their children.

"The matter is important to our community, children, and families and would enable us to provide a Tribal IV-D program in concert with the state administration's program for the benefit of all Alaskans in our respective regions of the state," said President Martin.

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