



A RESOLUTION OF THE TRIBAL COUNCIL OF THE
DELAWARE TRIBE OF INDIANS TO APPROVE
CHANGES TO THE FAMILY AND DOMESTIC
RELATIONS CODE, ARTICLE 4 CHILD SUPPORT TO
BRING CODE INTO OFFICE OF CHILD SUPPORT
SERVICES COMPLIANCE.

RESOLUTION 2024-69

Sponsored by Bonnie Jo Griffith

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and

WHEREAS, pursuant to the Constitution and By-Laws of the Delaware Tribe of Indians, the Tribe's governing body is the Delaware Tribal Council; and

WHEREAS, Family and Children Services Child Support Program is required to be in compliance with the Office of Child Support Services Code of Federal Regulations per stipulations in the awarded Child Support grant funding; and

WHEREAS, the Delaware Family and Domestic Relations Code is out of compliance in regards to the Office of Child Support Services Federal Regulations. Changes need to be made to Article 4. Child Support starting on Page 11 of the Delaware Family and Domestic Relations Code. The following sections are out of compliance:

Page 22: Chapter 3 Paternity and Genetic Testing, Section 4-126 General. Part (A) Applicability. This article governs the establishment of parentage for a minor child as defined herein.

Page 28: Chapter 3A Genetic Testing, Section 4-142. Order for Testing, Part (B) The DCSS may require genetic testing only if there is no presumed, acknowledged, or adjudicated father, unless for good cause shown, the DCSS believes genetic testing is in the best interests of the minor child.

Page 33: Section 4-156. Authority to Deny Motion for Genetic Testing; Factors to Consider, Part (A), Number (2) It would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father or otherwise against the best interests of the minor child.

Page 37: Chapter 4 Child Support Establishment, Section 4-170 General, Part (D) Age Requirement. An action to establish child support shall be initiated before the minor child reaches the age of eighteen (18) years of age; and

WHEREAS, the Office of Child Support Services Federal Regulations Code §309.90 Section (a) part (1) states Establishment of paternity for any child up to and including at least 18 years of age. The following are the proposed changes needed to place the Delaware Family and Domestic Relations Code into compliance with the Office of Child Support Services:

Page 22: Chapter 3 Paternity and Genetic Testing, Section 4-126 General. Part (A) Applicability. This article governs the establishment of parentage for any child up to and including at least eighteen (18) years of age as defined herein.

Page 28: Chapter 3A Genetic Testing, Section 4-142. Order for Testing, Part (B) The DCSS may require genetic testing only if there is no presumed, acknowledged, or adjudicated father, unless for good cause shown, the DCSS believes genetic testing is in the best interests of any child up to and including at least eighteen (18) years of age.

Page 33: Section 4-156. Authority to Deny Motion for Genetic Testing; Factors to Consider, Part (A), Number (2) It would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father or otherwise against the best interests of any child up to and including at least eighteen (18) years of age.

Page 37: Chapter 4 Child Support Establishment, Section 4-170 General, Part (D) Age Requirement. An action to establish child support shall be initiated before the minor child reaches the age of eighteen (18) years of age. Although, paternity can be established for any child up to and including at least eighteen (18) years of age.

The proposed changes above do not require or change the Delaware Family and Domestic Relations Code approved definitions for child or minor child; and

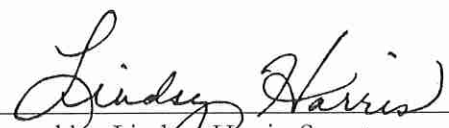
WHEREAS, the Delaware Tribal Council of the Delaware Tribe of Indians adopts this resolution; to express the desire of the Tribe to approve the required changes to Article 4. Child Support of the Family and Domestic Relations Code on pages 22, 28, 33, and 37 to bring the code into compliance per the stipulations of the Office of Child Support Services grant funding requirements.

NOW, THEREFORE, BE IT RESOLVED, The Delaware Tribal Council of the Delaware Tribe of Indians does hereby authorize and approve the changes required in the Delaware Family and Domestic Relations Code.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 26 day of JUNE 2024 with a vote of 5 yes, 0 no, and 0 abstaining.


Brad KillsCrow, Chief


Attested by: Lindsey Harris, Secretary

