

**9-6.020 General Standards for the Application and Use of the
Child Support Schedule**

A. The parents' obligation for support shall be based on the factors and guidelines set out below.

B. The basic child support obligation derived from the Child Support Schedule shall be apportioned between the parents based on each parent's share of their combined monthly net income.

C. Ordinary health care expenses are included in the Child Support Schedule. Extraordinary health care expenses not covered by private health insurance or Indian Health Service (e.g., those expenses that exceed five per cent of the basic support obligation), shall be shared by the parents in the same proportion as the basic child support obligation.

D. Work related day care and special child rearing expenses are not included in the Child Support Schedule. These expenses shall be shared by the parents in the same proportion as the basic child support obligation. The Court may enter a child support order to include a duty to provide for day care expenses.

E. The court may deviate from the basic allocation formula if the child(ren) spend(s) a significant amount of time with the parent who is obligated to make support transfer payments.

F. When combined monthly net income is less than \$600.00, a support order not less than \$25.00 per month per child shall be ordered.

G. Neither parent's child support obligation shall exceed thirty-five per cent (35%) of their net earnings unless good cause is shown, in which case the support obligation shall not exceed fifty percent (50%) of their net earnings. Good cause may include possession of substantial wealth, children with special needs and larger families.

H. All income and resources of each parent's household shall be disclosed and considered by the court. All such

disclosures, including worksheets, paystubs, tax returns, etc., shall be confidential and available only to the parties and the court, and solely for the purpose of establishing child support obligations.

I. Before applying any disability benefits into gross income calculations, the court shall consider the actual needs of the disabled party and the affect of the inclusion of such benefit on the disabled party, as well as the need of the child(ren).

J. An order of child support may be modified by court order, consistent with these guidelines, upon a showing of a substantial change in circumstances of any of the parties.

9-6.030 Guidelines for Deviation from Support Obligation

A. The child support obligations found in the attached Schedule are presumptive and may be increased or decreased when based on the factors in this section and supported by the evidence. In deviating from the basic support obligation, the Court shall enter a written finding for the record that the application of the Guidelines or Schedule would be unjust or inappropriate, state the amount of support that would have been required under the Schedule, and include justification why the order varies from the Guidelines or Schedule. The Court may take into consideration the following factors:

1. Age(s) of the child(ren). The obligation shall be set closer to the higher end of the basic support obligation for older children (columns B), and closer to the lower end of the basic support obligation for younger children (columns A). See Schedule.
2. Number of children in family. The obligation shall be set lower per child the greater the number of children for which the obligation is being paid. See Schedule.
3. Children from other relationships. The obligation may be set at a lower amount than it otherwise would be when either or both parents before the Court have

children from other relationships to whom the parent owes a duty of support and is actually providing support.

—4. Seasonal or non-recurring income. If the income of either parent is seasonal or non-recurring, the obligation may be set at a lower amount than it otherwise would be, or it may be set on a schedule that varies the amount at different times of the year.

5. Social services provided by Tribe or other agency. Whenever the Tribe or other agency provide health care, housing, or other basic needs for the child(ren) at no cost or reduced cost, such services may be considered as a basis for setting a lower amount of support than would otherwise be determined.

9.6-040 In-kind Services and Resources.

A. Although consistent with Swinomish culture and tradition, in-kind services are extremely difficult to monitor and guarantee, particularly as they relate to issues of quantity, quality and value. Consequently the Court shall only utilize in-kind services as a set off against a child support obligation in those exceptional cases where full financial support is not possible. Both parties shall agree to the provision and terms of such in-kind services, and the Court shall incorporate clear written standards and requirements for their delivery in its order.

1. In-kind services, resources. Whenever a parent is able to provide appropriate and acceptable in-kind services or resources for the support of the child(ren), such as fish, game, firewood, clothing or other basic needs, such services or resources may be applied as a set-off against the future months support obligation if authorized by court order.

2. In-kind services, resources from extended family or community members. Whenever extended family or community members 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 next months support obligation if authorized by court order.

9-6.050 Child Support Schedule and Calculations

A. Basic Child Support Obligation. A child support obligation shall be set at the basic support amount listed in the attached Swinomish Child Support Schedule and be based on the combined net income of both parents. Monthly net income shall be determined by subtracting the appropriate deductions (listed below) from monthly gross income.

B. Gross Income. Monthly gross income shall be calculated by adding income received from all sources including:

1. Salaries;
2. Wages;
3. Commissions;
4. Revenue from sales of goods and products;
5. Deferred compensation;
6. Overtime;
7. Contract-related benefits;
8. Income from second jobs;
9. Dividends;
10. Tribal per capita benefits;
11. Interest;
12. Trust income;
13. Severance pay;
14. Annuities;
15. Capital gains;
16. Pension/retirement benefits;
17. Workers' compensation;
18. Unemployment benefits;
19. Spousal maintenance actually received;
20. Bonuses;
21. Social security benefits (SSA);
22. Disability insurance benefits;
23. Gifts and prizes greater than or equal to \$250 in value.

C. Items Disclosed but not Included in Gross Income. The following sources of income and resources shall be disclosed

but not included in gross income:

1. Income of a new spouse or income of other adults in the household;
2. Child support received from other relationships;
3. Gifts and prizes less than \$250 in value;
4. Temporary Assistance to Needy Families (TANF);
5. Supplemental security income (SSI);
6. General assistance;
7. Food stamps.

D. Deductions from Gross Income. Monthly net income shall be calculated by deducting the following expenses from monthly gross income:

1. Federal, state and tribal income taxes;
2. Federal insurance contributions act (FICA) deductions;
3. Mandatory pension plan payments;
4. Mandatory union or professional dues;
5. State industrial insurance premiums;
6. Court ordered spousal maintenance to the extent actually paid;
7. Up to two thousand dollars per year in voluntary pension payments actually made.
8. Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

E. Monthly Net Income above Five Thousand Dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless good cause is found to deviate below that amount, but the court may exceed the presumptive amount of support set for combined monthly net income of five thousand dollars upon written findings of fact establishing such increase as both necessary and in the best interests of the child(ren).

Chapter 9-7 RECOGNITION OF FOREIGN JUDGMENTS

9-7.010 Foreign Judgments - Defined

As used in this Ordinance "foreign judgment" means any judgment, decree or order of any tribal, state or federal court.

9-7.020 Foreign Judgments - When Recognized

A. The Court shall not recognize and enforce any foreign judgment unless the proponent of the foreign judgment:

1. Complies with the procedure set forth in this Chapter;
2. Submits proof that the person against whom the foreign judgment has been rendered is subject to the jurisdiction of the Court;
3. Submits proof that the foreign judgment is based on valid subject matter jurisdiction;
4. Submits proof that an attempt was made to enforce the judgment in the jurisdiction which the foreign judgment was rendered and that such attempt was unsuccessful; or good cause why an attempt at enforcement of the foreign judgment in the jurisdiction in which the foreign judgment was rendered would be futile;
5. Submits proof that the foreign judgment is final and that no appeal therefrom is pending; and
6. Submits proof that the government from which the foreign judgment is issued provides reciprocal full faith and credit to the order, decrees, and judgments of the Swinomish Indian Tribal Community.

B. The Swinomish Tribal Court need not recognize a foreign judgment if:

1. The defendant in the proceeding in the foreign court

did not receive notice of said proceedings in sufficient time to allow him to defend;

2. The foreign judgment violated the Indian Civil Rights Act of 1968, 25 U.S.C. 1301 - 1341;

3. The foreign judgment was obtained by fraud;

4. The foreign judgment would serve to violate any federal law, tribal law, custom or tradition, or the Treaties between the Swinomish Indian Tribal Community and the Federal Government; or

5. The cause of action on which the judgment is based is contrary to the general welfare of the Swinomish Indian Tribal Community or its members.

9-7.030 Procedure for Recognition and Enforcement of Foreign Judgments

A. Proper filing of a foreign judgment with the Swinomish Tribal Court shall be accomplished when the proponent has paid all necessary filing fees and delivered to the Court a certified copy of the foreign judgment, along with a motion requesting that the Swinomish Tribal Court recognize and enforce the foreign judgment.

B. Upon proper filing of a foreign judgment with the Swinomish Tribal Court, the Court shall issue a summons directing the defendant to appear on a date not more than 30 days from the date of service and respond to the motion requesting the Swinomish Tribal Court to recognize and enforce the foreign judgment. Such summons shall be served on the defendant in a manner consistent with the laws of the Tribe.

C. Failure to appear as directed by the summons or failure to respond to the motion requesting the Court to recognize and enforce the foreign judgment once personal jurisdiction over the defendant has been obtained shall not prevent the Court from ruling on the motion.

Brian Cladoosby
Brian Cladoosby, Chairman
Swinomish Indian Senate

CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Ordinance (Amending Ordinance No. 101) was approved at a Regular Meeting of the Swinomish Indian Senate held on December 1, 1998, at which time a quorum was present and the Ordinance was passed by a vote of 7 FOR, 0 AGAINST, and 0 ABSTENTIONS.

Lydia Charles
Lydia Charles, Secretary
Swinomish Indian Senate

Superintendent's approval pursuant to authorities to 209 DM 8, Secretary's Order No. 3177, Secretary's Order No. 3150, 10 SIAM Bulletins 13, 14, 15 and Amendments thereto, and Portland Area Office 10 SIAM Bulletin No. 9701 dated Feb. 1, 1997.

Signature

Bill A. Blue

Date

1/25/99



Swinomish Child Support Schedule Worksheet

Tribal Court Case Number _____

Mother _____ Father _____

Children and Ages _____

Part I: Basic Child Support Obligation		
	Father	Mother
1. Gross Monthly Income (See Guidelines)		
a. Wages and Salaries	\$	\$
b. Interest and Dividend Income	\$	\$
c. Business Income	\$	\$
d. Trust and Per Capita Income	\$	\$
e. Other Income (Describe-See Guidelines)	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
f. Total Gross Monthly Income (Add lines 1a through 1e)	\$	\$
2. Monthly Deductions From Gross Income (See Guidelines)		
a. Income Taxes	\$	\$
b. FICA/Self Employment Taxes	\$	\$

c. Mandatory Pension Plan Payments	\$	\$
d. Mandatory Union or Professional Dues	\$	\$
e. State Industrial Insurance Deductions	\$	\$
f. Spousal Maintenance Paid	\$	\$
g. Up to \$2000 per year in Voluntary Pension Payments Actually Made	\$	\$
h. Normal Business Expenses and Self Employment Taxes	\$	\$
i. Total Deductions From Gross Income (Add lines 2a through 2h)	\$	\$
3. Monthly Net Income (Subtract line 2i from 1f)	\$	\$
4. Combined Monthly Net Income (Add Father's and Mother's Net Income from line 3)	\$	
5. Basic Child Support Obligation (Use Swinomish Child Support Schedule) Child #1 _____ Child #2 _____ Child #3 _____ Child #4 _____ Enter Total Amount for All Children	\$	
6. Proportional Share of Income (Each Parent's Net Income from line 3 divided by line 4)	%	%
7. Each Parent's Basic Child Support Obligation (Multiply each number on line 6 by line 5)	\$	\$

Part II: Extraordinary Health Care, Day Care, Special Expenses		
	Father	Mother
8. Extraordinary Health Care Expenses Paid for Children (See Guidelines)	\$	\$
9. Day Care and Special Child Rearing Expenses	\$	\$
a. Day Care Expenses	\$	\$
b. Education Expenses	\$	\$
c. Long Distance Transportation Expenses		
d. Other Special Expenses (Describe)	\$	\$
	\$	\$
	\$	\$
	\$	\$
f. Total Monthly Extraordinary Health Care, Day Care & Special Expenses	\$	\$
10. Combined Total Extraordinary Health Care, Day Care & Special Expenses (Add Father's & Mother's Totals from line 9f)	\$	
11. Each Parent's Obligation for Extraordinary Health Care, Day Care & Special Expenses (Multiply each number on line 6 by line 10)	\$	\$
12. Amended Child Support Obligation (Line 7 plus line 11)	\$	\$

Part III: Child Support Credits		
	Father	Mother
13. Child Support Credits		
a. In-kind Services or Resources (Describe - See Guidelines)		
	\$	\$
	\$	\$
b. Monthly Health Services Credit	\$	\$
c. Monthly Day Care & Special Expenses Credit	\$	\$
d. Other Ordinary Expense Credit (Describe)		
	\$	\$
	\$	\$
e. Total Support Credits (Add lines 13a through 13d)	\$	\$
Part IV: Net Support Obligation/Transfer Payment		
	Father	Mother
14. Net Support Obligation (Subtract line 13e from line 12)	\$	\$

Part V: Additional Factors for Consideration		
	Father	Mother
15. Household Assets (List estimated value)		
a. Real Estate	\$	\$
b. Stocks and Bonds	\$	\$
c. Vehicles	\$	\$
d. Boats	\$	\$
e. Bank Accounts/IRAs/Pensions	\$	\$
f. Cash	\$	\$
g. Insurance Plans	\$	\$
h. Other (Describe)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
16. Household Debts (Describe)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

17. Other Household Income	Father	Mother
a. Income of New Spouse and/or Other Adults in Household (List by name)		
	\$	\$
	\$	\$
	\$	\$
b. Income From Child Support Received From Other Relationships	\$	\$
c. Gifts/Prizes Less than \$250 in Value	\$	\$
d. Income from Assistance Programs	\$	\$
e. Supplemental Security Income (SSI)	\$	\$
f. General Assistance	\$	\$
g. Food Stamps	\$	\$
h. Other Income (Describe)		
	\$	\$
	\$	\$
18. Child Support Paid For Other Children (List by child)		
	\$	\$
	\$	\$
19. Other Children Living in Each Household (Names and ages)		



SWINOMISH
CHILD SUPPORT
SCHEDULE

Combined Monthly Net Income	One Child Family		Two Children Family		Three Children Family		Four Children Family		Five Children Family	
	A	B	A	B	A	B	A	B	A	B
600	100	123	77	95	65	80	55	68	47	59
700	116	143	90	111	75	93	64	79	56	68
800	133	164	103	128	86	107	73	90	63	78
900	149	185	116	143	97	119	82	101	71	89
1000	165	204	128	158	107	133	91	112	79	98
1100	182	224	141	174	118	145	100	123	87	107
1200	198	245	154	190	128	158	108	134	95	117
1300	214	264	166	206	139	171	117	145	102	126
1400	230	284	179	221	149	185	126	156	110	136
1500	245	303	191	235	159	197	134	166	117	145
1600	260	321	202	250	169	209	143	176	125	154
1700	275	340	214	264	179	221	151	186	131	163
1800	290	359	225	278	188	233	159	197	139	171
1900	305	377	237	293	198	245	167	206	146	180
2000	320	395	248	307	208	257	176	217	153	189
2100	335	414	260	322	217	269	184	227	160	198
2200	350	433	272	336	227	281	192	237	167	207
2300	365	451	284	350	236	293	200	248	175	216
2400	380	470	295	365	246	305	209	257	182	224
2500	395	488	306	379	256	316	216	267	188	233
2600	401	496	312	385	260	321	220	272	192	237
2700	407	503	316	390	263	326	224	276	194	241
2800	412	509	320	395	267	330	226	279	197	243
2900	417	515	323	400	270	334	229	282	200	246
3000	421	520	327	404	273	337	231	285	201	248
3100	425	524	329	407	275	340	233	287	203	251
3200	427	528	332	410	277	343	234	290	204	252
3300	430	531	334	412	278	344	235	291	205	254
3400	431	533	335	413	279	345	236	292	206	255

3500	431	533	335	414	280	346	237	293	206	256
3600	433	534	336	415	281	347	238	293	207	257
3700	434	535	337	416	281	347	239	294	208	257
3800	436	539	339	419	283	350	239	296	209	258
3900	447	552	347	429	290	358	245	303	213	264
4000	457	565	355	438	296	366	251	310	218	270
4100	467	578	363	449	303	375	256	317	224	276
4200	479	591	371	458	310	383	263	323	229	283
4300	488	604	380	469	317	392	268	331	233	289
4400	498	616	387	478	323	399	273	337	238	294
4500	508	627	394	487	329	407	278	344	242	300
4600	517	638	401	496	335	414	283	350	247	305
4700	526	650	409	505	341	422	288	356	251	311
4800	535	662	416	514	347	429	293	362	256	317
4900	545	673	423	523	353	436	299	368	260	322
5000	554	684	431	531	359	444	303	375	265	328

Columns A = Children ages 0 - 12 years

Columns B = Children ages 13 - 18 years

THE ABOVE SCHEDULE IS TO BE USED WITH THE SWINOMISH CHILD SUPPORT WORKSHEET FOR CALCULATING CHILD SUPP