



**PUEBLO OF ISLETA**  
P.O. BOX 1270 ISLETA, NM 87022

Resolution # 2000-00111

**ESTABLISHMENT AND COLLECTION OF CHILD SUPPORT  
AND ENFORCEMENT OF TRIBAL COURT JUDGMENTS**

WHEREAS, the Isleta Tribal Council is the Legislative Branch of the Pueblo of Isleta Tribal Government: Pueblo of Isleta Tribal Constitution, Article V;

WHEREAS, the Pueblo of Isleta Tribal Constitution, Article V, Section 2(e) provides that the Council is empowered to "enact ordinances, subject to approval by the Secretary of the Interior, to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;" and

WHEREAS, it is necessary that parents meet their financial obligation to their children;

WHEREAS, it is necessary to enforce tribal court judgements and begin to explore a process to recognize foreign court judgments, if not inconsistent with the laws of the Pueblo of Isleta and if such foreign courts recognize and enforce Isleta Court decisions.

WHEREAS, the following legislation constitutes a minor amendment to the Isleta Law and Order Code which was previously approved by the Bureau of Indian Affairs, so that additional BIA approval would not be required in this instance;

NOW, THEREFORE BE IT RESOLVED, the Isleta Tribal Council, in accordance with the Pueblo of Isleta Tribal Constitution, amends the "Pueblo of Isleta, Legal Code, Volume I, as follows:

**ESTABLISHMENT AND COLLECTION OF CHILD SUPPORT  
AND ENFORCEMENT OF TRIBAL COURT JUDGMENTS**

**Section 1. Generally**

- A. The Pueblo of Isleta shall use the most current New Mexico Child Support Guidelines to determine the liability of a parent owing financial support for the benefit of any minor children.

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**Section 2. Interim Support.**

- A. Upon the filing of any action to establish child support, the Pueblo's Judiciary shall automatically enter and issue an order establishing the payment of Monthly Interim Child Support in the amount of \$ 100.00, until a proper determination for payment of child support is made pursuant to Section 1(A) of these provisions.
- B. Interest shall accrue on any arrearage of interim support pursuant to Section 3 of these provisions.
- C. An Order for Payment of Interim Monthly Support shall be modified accordingly upon entry of a final judgement.

**Section 3. Interest on Arrearages**

- A. Interest shall accrue on any child support arrearage at a rate of 15 % per year.

**Section 4. Withholding and Garnishment of Per Capita Distributions**

- A. Per Capita Distributions may be garnished and/or withheld to satisfy a judgement for the collection of child support.
- B. Per Capita Distributions may be garnished and/or withheld to satisfy a judgement for monies owed to the Pueblo of Isleta.
- C. Per Capita Distributions may be garnished and/or withheld to enforce a judgement rendered by the Pueblo of Isleta's judiciary, until such judgment is satisfied in its entirety.
- D. Per Capita Distributions shall be exempt from garnishment and withholding from State Court Judgements and from tribal court judgements other than those of the Pueblo's Judiciary, except if such judgement is for the collection of child support. If such judgement is for the collection of child support, such judgement shall have no force until Section 8 of these provision are applied.

**Section 5. Procedure for Garnishment and Withholding of Per Capita Distributions**

- A. Upon the filing of a Petition or Motion to enforce an Order for payment of child support, the Isleta Tribal Court shall:
1. Enter an immediate order requiring the Treasury Department for the Pueblo of Isleta to withhold the issuance of the per capita check until the Court conducts a hearing to determine whether child support has

- not been paid and determine the amount to be withheld from the per capita check.
2. The Court shall then enter an order directing the Treasury Department on how the per capita proceeds must be distributed.

**Section 6. Lost Wages, Court Costs and Attorney Fees**

- A. The Pueblo's Judiciary shall award lost wages, court costs, and reasonable attorney's fees to the party seeking to enforce a judgment for the payment of child support.

**Section 7. Wages Subject to Garnishment**

- A. Wages of employees of the Pueblo shall be exempt from garnishment from State Court Judgments, unless the garnishment is for the collection of child support.
- B. Wages of employees of the Pueblo shall be exempt from garnishment from tribal courts other than those of the Pueblo of Isleta, unless the garnishment is for the collection of child support.
- C. Wages of employees of privately owned business enterprises located within the territory and jurisdiction of the Pueblo shall be exempt from garnishment from State Court Judgments, unless the garnishment is for the collection of child support.
- D. Wages of employees of privately owned business enterprises located within the territory and jurisdiction of the Pueblo shall be exempt from garnishment of tribal courts other than those of the Pueblo of Isleta, unless the garnishment is for the collection of child support.
- E. Wages of employees of the Pueblo or employees of privately owned businesses within the territory and jurisdiction of the Pueblo are subject to garnishment to enforce an Isleta Tribal Court Judgment.
- F. The Isleta Tribal Court shall determine the amount of wages to be garnished pursuant to federal law.
- G. The Pueblo of Isleta shall honor and enforce any garnishment orders from state or tribal courts [other than those of the Pueblo of Isleta] for the collection of child support pursuant to Section 8 of these provisions.
- H. The Pueblo's Judiciary shall issue any necessary Orders to garnish the wages of any person properly within its jurisdiction.

**Section 8. Procedure to Domesticate State Court or Tribal Court Judgements To Enforce the Collection of Child Support**

- A. The Pueblo of Isleta shall honor and enforce any state court or tribal court judgements concerning payment of child support, if the state or tribal court judgement is submitted to the Isleta Pueblo's Judiciary for the following purpose:

- i. The party seeking enforcement of a state or tribal court judgment for payment of child support shall demonstrate to the satisfaction of the Isleta Pueblo's Judiciary that the judgement is not pending appeal in the state or tribal court.
  - ii. If the state or tribal court judgement is not pending appeal, the Isleta Tribal Court shall take any necessary action to enforce the judgement.
  - iii. If the judgement is pending appeal in the state or tribal court, the Isleta Pueblo's Judiciary shall not enforce the judgement.
- B. The garnishment orders and judgements of state courts or tribal courts other than those of the Pueblo of Isleta, for matters unrelated to the collection of child support shall not be afforded force or effect within the territory and jurisdiction of the Pueblo.
- C. The only challenges a person may assert in the Isleta Tribal Courts against the enforcement of a state court or tribal court judgements for the collection of child support are the following:
- i. Such person was not properly served with process regarding such matter.
  - ii. That the state or tribal court denied such person reasonable visitation without just cause.
- D. If the challenges pursuant to Section C above are raised in bad faith, the Isleta Tribal Court shall award attorney's fees, costs, and lost wages to the party entitled to payment of child support.

**Section 9. Effective Date**

- A. These provisions shall become effective upon adoption by the Isleta Tribal Council and publication in the Isleta Tribal Newsletter.

**CERTIFICATION**

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 14<sup>th</sup> day of October, 2000, a quorum present, with 10 voting for, 0 voting against, and 0 abstaining.

Josephine Padilla  
Josephine Padilla, President  
Isleta Tribal Council

Alvino Lucero  
Alvino Lucero, Governor  
Pueblo of Isleta

Attest:  
Antonio Chewiwi, Jr.  
Antonio Chewiwi, Jr. Secretary  
Isleta Tribal Council