



# Saint Regis Mohawk Tribe

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## PRESS RELEASE

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### TRIBAL COURT TO ESTABLISH FAMILY COURT

*Plans are to Seek Federal Support*

**AKWESASNE TERRITORY** – Chief Judge PJ Herne of the St. Regis Mohawk Tribal Court recently made a recommendation to the St. Regis Mohawk Tribal Council to begin the process to establish a Tribal Child Support Enforcement Unit here on the territory.

Over the past 11 months, the Tribal Court has conducted exhaustive research reviewing numerous social welfare issues that would be associated with the establishment and operation of a Tribal Family Court. Included in the research are multiple interviews with the Tribe's Department of Social Services to properly assess the current situation and to determine where to develop capabilities to properly take on the work of a Family Court. As Chief Judge Herne has noted, "Clearly, the community goal of implementing a Family Court should not harm the families and children receiving services. In fact, a Tribal Family Court should enhance such services."

Chief Judge Herne, in his recommendation to Council, indicated that after the Court's assessment there were many benefits to the establishment of a SRMT Child Support Enforcement Unit. These include:

- Current laws and regulations permit the Tribe to receive direct federal funding from the Department of Health and Human Services to perform this work. Currently available is up to \$500,000 in start-up funding, a 90% reimbursement for the first three years of operation, and after that period, an 80% reimbursement rate. In both instances it appears the Tribe will be permitted to utilize 'in-kind' matches to meet the required 10 to 20 percent.
- Child Support Orders from the SRMT Family Court will be given Full Faith and Credit by all other tribal, federal and state courts.
- In establishing the program, the Tribe will be free to establish its own guidelines (income and percentages), regardless of State guidelines. Furthermore, in something unique to Tribal Nations, 'in-kind' matches can be part of a child support obligation. According to Tribal

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Court research, this has permitted Tribal Nations across Indian Country to use such things as the provision of fire wood, fish and game, and 'Grandparents Day-Care', to help obligor's offset their child support.

- Ease of use. Should the SRMT decide to pursue this program, and based upon the foregoing factors, clearly those children and families affected by Child Support Orders will be able to better utilize those services. This can include the establishment of an order, the ending of an order when a child reaches maturity, and the modification of an order. As Chief Judge Herne indicated, "With Akwesasne's historic and continued employment as ironworkers, it is clear that having a local unit here the community to modify orders, both upward and downward, will hopefully assist everyone involved by its convenience."
- Medical Support Issue. Although Tribal Nations are currently not required to address this issue, Judge Herne's recommended that this function be included in the SRMT Child Support Enforcement Unit. Judge Herne stated, "With the expansion of assignments for orders to pay child support, making payments, having issues heard and other types of cases, it is clear that being able to perform these functions here on the Territory in our own forum, will assist those community members being affected by the assignment."

In the Court's recommendation, Chief Judge Herne relayed to Council his own personal experiences as an attorney, "There is, and shall continue to be for some time, a percentage of our community affected by child support issues. It is clear that it is more than just the families as well. With the 'assignment' issue, it is clearly affecting our Clinic and other welfare programs. With the establishment of a Tribal Child Support Enforcement Unit, we as a community have an opportunity to exert greater control of how these matters are addressed."

Finally, it has become clear to the Court that in past years the enormity of undertaking some of these issues has probably deterred efforts. The Court remains committed to address these issues to move forward in establishing a Family Court to meet the needs of our community.

For any questions, please stay tuned to local media as both public meetings, talks shows, and announcements will be forthcoming.