

RESOLUTION NUMBER **TMBC186-04-15** THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE
TURTLE MOUNTAIN BAND OF CHIPPEWA


- WHEREAS, The Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the tribe, is an unincorporated Band of Indians acting under a revised Constitution and Bylaws approved by the Secretary of the Interior of June 16, 1959, and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and by-laws empowers the Tribal Council with the authority to represent the Band and to negotiate with federal, state, and local government and with private persons; and
- WHEREAS, Article VII Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and
- WHEREAS, the Tribe by Resolutions No. TMBC998-10-14 and No. TMBC 1043-12-14 were enacted to void a paternity action obtained by court order through fraud, duress or a mistake of fact and was intended to apply to orders obtained in the past and the financial responsibility associated with paternity actions obtained by fraud, duress, or mistake of fact; and
- WHEREAS, paternity court orders which were obtained by fraud, duress, or mistake of fact are unjust and the individual unjustly adjudicated the father should not have financial liability for a child not their own; and
- WHEREAS, the Tribe, by Resolution No. TMBC132-03-15 approving a comment period for proposed amendments to Sections 9.0429 (4) and 9.0811 (7) and no written comments were received; now

THEREFORE BE IT RESOLVED that the Tribe is approving amendments to Sections 9.0429 (4) and 9.0811 (7) by adding paragraph "(c)" which shall state:

(c) paragraphs (a) and (b) of this Section shall apply to Court Orders for paternity, child support, delinquent child support, including Orders in effect at the time of the enactment of this paragraph (c) and all subsequent Orders issued by the Court.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom **eight (8)** constituting a quorum were present at a meeting duly called, convened and held on the **30th day of April, 2015** that the foregoing resolution was adopted by an affirmative vote of **seven (7) in favor** – Representatives Elmer Davis, Jr., Ted Henry, Lorne Jay, Lynn Gourneau, Jim Baker, Patrick J. Marcellais and Charlie Bercier; one (1) absent-Rep. Carson Belgarde; with the Chairman not voting.


Jolean A. Morin, Tribal Secretary 5/2/15

SIGNED INTO LAW/Dated this 11th day of May, 2015
 VETOED/Dated this _____ day of _____, 2015


Richard W. McCloud, Tribal Chairman

Received in Administration

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