



# Welcome to the 29<sup>th</sup> Annual AB 1058 Conference

September 17-19, 2025

**TRIBAL CHILD SUPPORT AND BENEFITS TO  
CROSS-CULTURAL EXCHANGES:  
A focused discussion on In-Kind child support**

**Hon. Abby Abinanti, Chief Judge, Yurok Tribe**

**Klamath, CA** (and retired SF Superior Court Commissioner)

**Hon. Rebecca Wightman, Tribal Judge (Child Support),**

**Bear River Band of Rohnerville Rancheria**

**Loleta, CA** (and retired SF Superior Court Commissioner)

# Klamath River

## Yurok Tribe - Klamath, CA



# CA State and Tribal Child Support Systems Overview

## Similarities

- **Focus on needs of child(ren)**
- **Financial information critical centerpiece**
- **Title IV-D regulations largely the same**
- **Both systems have a court process**

# CA State and Tribal Child Support Systems Overview

## Differences

- **Cultural**
- **Jurisdictional**
- **State law not applicable**
  - **Tribes have own codes, e.g. for calculating support, establishing paternity**

**Note: Both adhere to Full Faith & Credit principles**

# CA State and Tribal Child Support Systems Overview

Cultural differences are visible in the language used:

**CA Fam. Code §4053(e)** “The guideline seeks to place the interests of children as the state’s top priority.”

**CA Fam. Code §3020(a)** “[I]t is the public policy of this state to ensure that the health, safety, and welfare of children shall be the court’s primary concern in determining the best interests of children...” [for custody/visitation]

# CA State and Tribal Child Support Systems Overview

Cultural differences are visible in the language used:

**Yurok Tribal Code, Parent and Child Relationship §13.30.10**, includes, *inter alia*, besides a child and his or her natural parents, "a child and a person who have formed a parental relationship as defined by Yurok culture and tradition..."

**Yurok Tribal Code, Child's Code §12.05.020(a)** "...Traditionally, a child of the Yurok Tribe was raised collectively by the entire village."  
(b) [Yurok Tribe's Constitution] "was adopted to: '[p]reserve and promote our culture, language, religious beliefs and practices, and pass them on to our children, our grandchildren..."

# CA State and Tribal Child Support Systems Overview

Cultural differences are visible in the language used:

## **Bear River Band Paternity and Child Support Code §4.20.01**

“...Indian children are the most vital and valued resource to the continued existence, the future, and integrity of the Bear River Band... The Tribe has a compelling interest in promoting and maintaining the health and well-being of all Bear River Band children.”

# CA State and Tribal Child Support Systems Overview

## Jurisdiction

### In General:

- **CA is a “Public Law 280 state” [Pub. Law 83-280 (1953)], one of six original designated states**

Mainly shift of criminal jurisdiction over Indian country from federal to state authorities, and civil jurisdiction in some areas

Significant impact on tribal sovereignty and self-governance; created complex jurisdictional matrix/conflicts

Ongoing issues/concerns re: capacity & effectiveness of state law enforcement in Indian country

# CA State and Tribal Child Support Systems Overview

## Jurisdiction

### Title IV-D cases:

- **Concurrent Jurisdiction**
- **Case Transfers: CA Rule of Court 5.372 (CA IV-D ↔ Tribal IV-D)**
- **Enforcement (Registrations, IWOs)**

**NOTE: FULL FAITH & CREDIT**

# Yurok Tribe Salmon Festival

(2017)



# Yurok Tribe Salmon Festival

(2017)



# Yurok Tribe Salmon Festival

(2017)



# CA State and Tribal Child Support Systems Overview

## Paternity

- CA Fam. Code §§7600 *et. seq.* (Uniform Parentage Act)
- Yurok Tribal Code 13.30.010 *et. seq.*
- Bear River Band Paternity and Child Support Code §§4.20.05 *et. seq.*

# CA State and Tribal Child Support Systems Overview

## Guideline Calculation

- **CA Fam. Code §4055:**  $CS = K [HN - (H\%)(TN)]$
- **Yurok Tribal Code 13.35.110** – Combines net income of both parents x scheduled % factor based on #of children = combined total support obligation (needs of child(ren)); then figures the parent's pro-rata amount of that obligation and factors T/S % to reach that parent's support obligation
- **Bear River Band Paternity and Child Support Code §4.20.25 -4.20.27:**  $BCS = (BSA * A/C) * (1 - V)$

# CA State and Tribal Child Support Systems Overview

## Some Observations on the Guidelines

**Minimums:** Unlike CA, Both tribal systems have minimum CS amounts

**Yurok \$10/mo.** [Yurok Tribal Code §13.35.170]

**Bear River Band \$25/mo.** [Bear River Band Pat. & CS Code §4.20.25]

### **Maximums:**

**Yurok limits CS amount to no more than 40% of net earnings, absent good cause (max. 50%)** [Yurok Tribal Code §13.35.200]

**CA recently added a specific *discretionary* deviation criteria if CS exceeds 50% of net income** [CA Fam. Code, §4057(b)(5)]

**Bear River Band code states whenever CS is > 35% of adjusted gross income, there is a presumption of substantial hardship for deviation purposes** [Bear River Band Pat. & CS Code §4.20.37]

# CA State and Tribal Child Support Systems Overview

## Additional observations

- **CA guidelines are clearly the most complicated!!!**
- **Gross Income definitions similar but with some variations, e.g.:**
  - Yurok requires the court to do an extra analysis before including a parent's disability benefits in gross income.  
[Yurok Code §13.35.220]
  - Bear River Band allows court to disregard OT or a second job “[w]hen income from a full-time job is consistent with income during marriage.”  
[Bear River Band Pat. & CS Code §4.20.25]

# CA State and Tribal Child Support Systems Overview

## **Additional observations (continued)**

- **In-Kind variations between tribal laws:**
  - Yurok Tribe allows full in-kind orders as a set-off [Yurok Code §13.35.260]
  - Bear River Band Tribe only allows in-kind support for up to 50% of one's total monthly child support obligation [Bear River Band Pat. & CS Code §4.20.27(8)]

# Yurok Tribe Salmon Festival

(2019)





# CA State and Tribal Child Support Systems Overview

## In-Kind Child Support

- Federal Law allows in Tribal system only – see CFR 309.105
- CA has been given a waiver (pending) for several pilots re: in-kind support

# “IT TAKES A VILLAGE...”

Creating a non-cash alternative option aka “In-Kind” child support in CA’s CS system:

- Empowers families to address child(ren)’s needs
- Respects varying cultural values among families
- Encourages collaboration and direct participation
- Provides better outcomes on *multiple* levels

# Unintended Consequences of an Inflexible Monetary System

- Can undermine family well-being for families with low incomes, obligors who face structural barriers to financial stability
- Punitive nature of enforcement remedies in existing state system can disrupt informal agreements between parents and exacerbate existing financial challenges

# Potential Benefits of a Flexible Non-Monetary System

- Foster healthier family relationships
  - Strengthen bond between PPS and child through direct engagement/provision of support
  - Improve co-parenting between parents; honor cultural values
- Better outcomes/greater compliance when families are allowed to devise their own solutions

# IN-KIND CHILD SUPPORT PILOT

## San Francisco Pilot Project

- 18-month planning process
- Collaboration between LCSA, Court, FCS (Family Court Services) and OFLF (Family Law Facilitator)
- Conducted surveys & community focus groups
- Consultation with Yurok Tribe

# IN-KIND CHILD SUPPORT PILOT

- **Collaborative Team** worked on eligibility requirements, in-kind definition & types
- LCSA developed intake, internal case process
- FCS and OFLF developed mediation process, orientation and ground rules
- Court developed court case process

# IN-KIND CHILD SUPPORT MODELS

## **Some considerations:**

- Who can participate?
- What to allow?
  - Registries only? Direct Services? Goods?
- How to value? How to enter in CSE?
- Court Process... and so on...

# IN-KIND CHILD SUPPORT PILOT

San Francisco Pilot Project – HOW IT WORKS –

## **Eligibility:**

- Purely voluntary participation / pro-pers
- No DV
- No intergovernmental cases / no arrears only cases
- Pilot now allows aided cases (waiver recently submitted) !

# IN-KIND CHILD SUPPORT PILOT

## Types of In-Kind Support Allowed:

- Direct Purchases
  - Food, clothing, household/school supplies...
- Registries and Gift Cards
- Direct Payments
  - Rent/mortgage, bills, car payments, tuition, pay down debt/store tabs, etc.

# IN-KIND CHILD SUPPORT PILOT

## Types of In-Kind Support Allowed (continued):

- Direct Deposits
  - Education accts., savings, other accts.
- Direct Services / Barter
  - Transportation, Childcare, Cooking, Handyman, etc.
- Other (so long as can be properly valued)

# Yurok Tribe Salmon Festival

(2024)



# Yurok Tribe Salmon Festival

(2024)



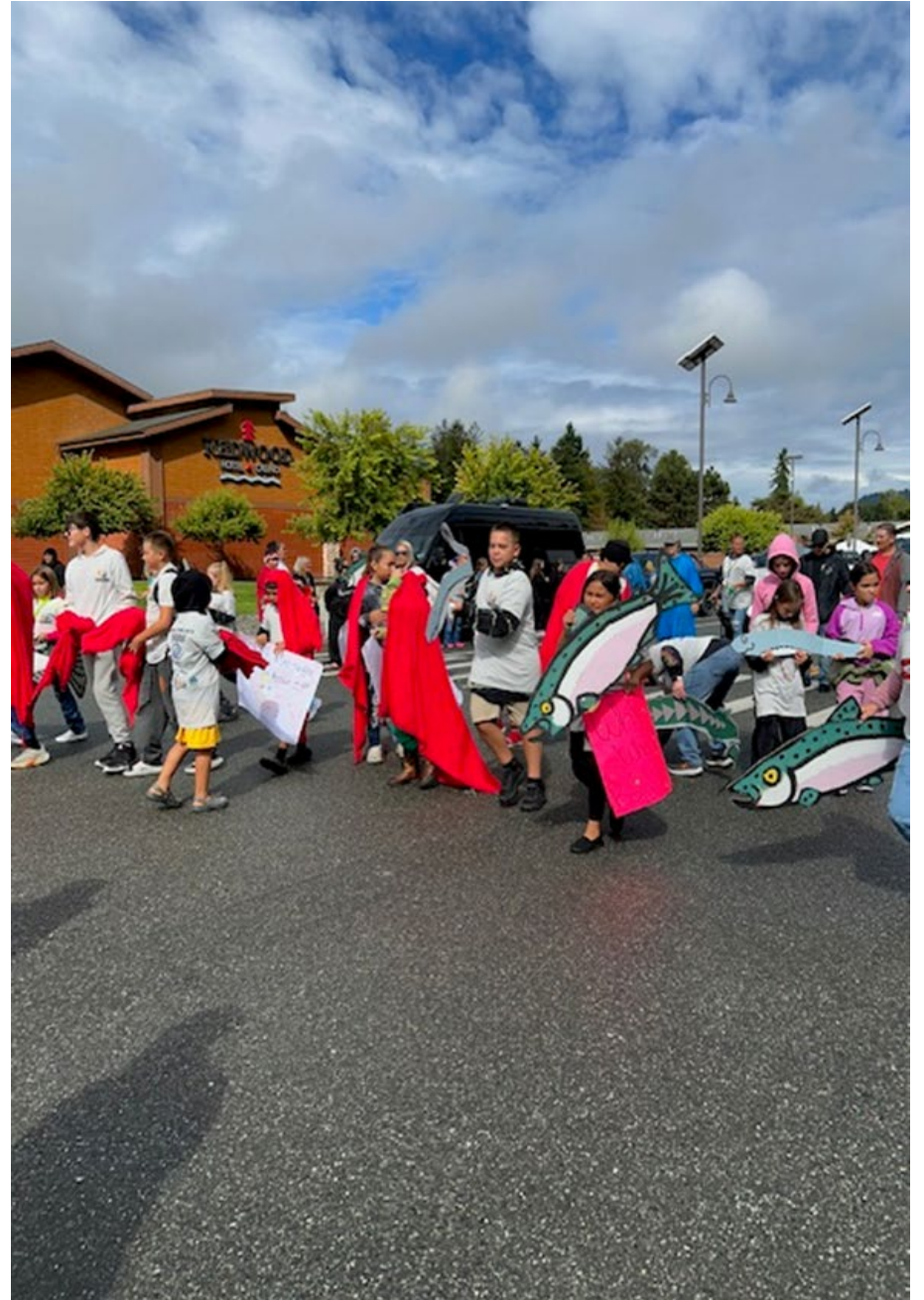
# Yurok Tribe Salmon Festival

(2024)





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# Yurok Tribe Salmon Festival

(2024)



# IN-KIND CHILD SUPPORT PILOT

## Valuation:

- ✓ Required to assign a dollar value
- ✓ Focal point = fair market value
  - Parents can reach agreement on value, which may not necessarily be FMV, but must be fair and reasonable (in pilot, court will review and determine whether to accept/approve)
- ✓ In both tribal court systems, if no agreement, court can assign FMV [Yurok Code §13.35.260; Bear River Band Pat. & CS Code §4.20.27(8)]

# IN-KIND CHILD SUPPORT PILOT

## **General Workflow Overview – 5 stages:**

Stage 1: Outreach / Identification/ Pre-court preparation

Stage 2: Initial Court Hearing (pre-mediation)

Stage 3: Mediation (same day)

Stage 4: Post-mediation Court Hearing (same day)

Stage 5: Case monitoring

# IN-KIND CHILD SUPPORT PILOT

## Initial Court Hearing Process

- Enter parentage Judgment (e.g. initial establishment case) or verify parentage has been established
- Determine Guideline Child Support Amount
- Send Parties to Mediation (FLF & FCS)
- Conduct return from mediation hearing (same day)
- Enter orders including requisite findings, specifically reserve jurisdiction & set future hearing dates for compliance monitoring

# IN-KIND CHILD SUPPORT PILOT

## Court Compliance Monitoring Process

- **Minimum of 3 monthly compliance review dates *all set in advance at initial hearing*** to ensure order is working as intended; give opportunity to tweak order if needed
- **A simple declaration** from each parent (2-pg. form) must be filed one week prior to each review hearing
- Parties can *mutually* agree to **skip the first two** if all is well, but **must attend third review date** so court can decide if extended monitoring needed

# Additional Resource Information

- [San Francisco's In-Kind Child Support Pilot: Implementation Study | Urban Institute](#)

by Heath Hahn, Eleanor Pratt, Paige Sonada, July 25, 2023

[https://www.urban.org/research/publication/san-francisco-in-kind-child-support-pilot-implementation-study?utm\\_source=urban\\_ea&utm\\_campaign=san\\_francisco\\_in\\_kind\\_child\\_support\\_pilot&utm\\_id=social\\_safety\\_net&utm\\_term=social\\_safety\\_net&utm\\_content=urban\\_researcher](https://www.urban.org/research/publication/san-francisco-in-kind-child-support-pilot-implementation-study?utm_source=urban_ea&utm_campaign=san_francisco_in_kind_child_support_pilot&utm_id=social_safety_net&utm_term=social_safety_net&utm_content=urban_researcher)

- **Transforming Child Support into a Family-Building System**

by Heather Hahn, Kathryn Edin, and Lauren Abrahams, March 2018,  
US Partnership on Mobility From Poverty

[i5rjaT\\_7.pdf](#)

# IN-KIND CHILD SUPPORT PILOT

A TRUE “WORK IN PROGRESS” PILOT  
(Collaborative Team continues to meet regularly)

QUESTIONS?

COMMENTS?

**THANK YOU!**

