

## Guidelines for Determination of Indigence for Waiver of Filing Fee in Tribal Court

### Section 1. Purpose and Definitions.

- A. **Purpose.** The purpose of this *Administrative Order* is to provide guidelines to determine indigence of a named party in a case who seeks a waiver of a filing fee in Tribal Court cases.
- B. **Definitions.** The following terms shall have the following meanings:
1. "Band" and "Tribe" are synonymous and mean the Pokagon Band of Potawatomi Indians, including its agents and enterprises.
  2. "Court" and "Tribal Court" are synonymous and mean the trial level court of the Band.
  3. "Filing Fee" means a fee charged to accept a document for opening a case or for filing motions with the Tribal Court.

### Section 2. Applicability and Documentation.

- A. **Applicability.** Only a natural person is eligible for a waiver of filing fees under this *Administrative Order*.
- B. **Documentation.** All requests for waiver of a filing fee must be made by written application and be accompanied by documentation supporting the factors in Section 3 below.

**Section 3. Determination of Indigence.** The determination of indigence by the presiding judge shall be guided by the following factors:

- A. Present employment, earning capacity, and living expenses;
- B. Outstanding debts and liabilities, secured and unsecured;
- C. Availability and convertibility, without undue financial hardship to the requesting party and his or her dependents, of any personal or real property owned;

D. Whether the requesting party has qualified for and is receiving any form of public assistance; and

E. Any other circumstances that renders the party unable to pay the filing fee.

10/05/17

Date



Michael Petoskey  
Chief Judge

**JUDICIAL HISTORY**

**ADOPTION**

On October 5, 2017 *Administrative Order 17-007-TC* was adopted by the Chief Judge of the Tribal Court.