

Pokagon Band of Potawatomi Tribal Court
58620 Sink Road, Dowagiac, MI 49047
(269) 783-0505



PROCEDURAL INSTRUCTIONS FOR FOREIGN JUDGMENT RECOGNITION AND INITIATING A GARNISHMENT ACTION

Tribal governments are separate sovereigns with their own courts. They are members of the family of governments that exist within the United States. As a sovereign government, the Pokagon Band Tribal Council provides substantive law and the Tribal Judiciary provides court rules for procedure and practice before the Pokagon Band Tribal courts. Generally for most purposes, State law stops at the boundaries of the reservation. Tribal law requires that judgments from foreign courts come through the Tribal Court for recognition and enforcement. The [laws](#) and [Court Rules](#) can be found on the Pokagon Band public website. A copy of the Pokagon Band [Court Rules for Recognition of Foreign Court Judgments](#) and a [Schedule of Court Fees](#) are also available on the website.

Once a foreign judgment has been recognized, you may proceed in requesting garnishment by filing a garnishment action in Tribal Court. **Thus, as you can see, this is a two-step process:**

I. FOREIGN JUDGMENT RECOGNITION

1. **Admission to Practice Before the Tribal courts.** If you are an attorney and wish to submit a foreign judgment for recognition, then **you must be admitted to practice before the Pokagon Band Tribal courts.** An [Application for Admission to Practice](#) and [Oath of Admission](#) must be completed and returned to the Tribal Court. An application fee of \$50.00 is required and to be made payable to the Pokagon Band of Potawatomi Indians Tribal Court.
2. **Forms.** Forms necessary to initiate the recognition process can be downloaded at the Pokagon Band of Potawatomi website at the address listed below. The forms must be completed and returned in order for the Tribal Court to open a file and begin the recognition process. These forms include:
 - a. [Petition/Affidavit of Petitioner](#);
 - b. [Certification of Records of Foreign Court](#);
 - i. which the foreign court completes by attesting that the foreign court judgment is a true copy of the original on file; and
 - ii. be sure to attach a certified copy of the foreign judgment to the [Certification of Records of Foreign Court](#).

3. **Filing Fee.** A \$35.00 filing fee is required for recognition of a foreign judgment that is less than \$600.00. For recognition of a foreign judgment that is \$600.00 or more, a filing fee of \$50.00 is required. Payments are to be made payable to the Pokagon Band of Potawatomi Indians Tribal Court.
4. **Processing by the Court and Deadlines for Objections.** After filing and payment of the filing fee, the above-stated documents and a *Notice of Registration* of the foreign judgment, produced by the Tribal Court, will be sent to the Respondent and to the Petitioner. The Respondent has twenty-one (21) days to object to the Tribal enforcement of your state court judgment. The Court will set a hearing if an objection is filed by the Respondent. If no objection is filed by the Respondent, the Tribal Court will enter an *Order Granting Recognition of Foreign Judgment* after the twenty-one (21) day objection period has expired.

II. GARNISHMENT ACTION

1. **Forms.** After the state court judgment is recognized, the Petitioner must file an action in the Tribal Court for garnishment to collect on the foreign judgment. A [*Petition for Order of Garnishment*](#) is to be filed with the Tribal Court in order to initiate a garnishment action, which can be found on the Pokagon Band public website.
2. **Filing Fee.** A \$15.00 filing fee is required for filing a garnishment action and is to be made payable to the Pokagon Band of Potawatomi Indians Tribal Court.

Document URLs

General Information:

Pokagon Band Codes and Ordinances:

<http://www.pokagonband-nsn.gov/government/codes-and-ordinances>

Pokagon Band Adopted Court Rules:

<http://www.pokagonband-nsn.gov/government/tribal-court/court-rules/adopted-court-rules>

Pokagon Band Tribal Court Forms:

<http://www.pokagonband-nsn.gov/government/tribal-court/court-forms>

Schedule of Court Fees:

http://www.pokagonband-nsn.gov/sites/default/files/PBTC-FEES_0.pdf

Court Rules for Recognition of Foreign Court Judgments:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/chapter-6-1291-1089.pdf>

Admission to Practice Information:

Application for Admission to Practice:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/application-admission-practice-revised-04-26-2013-1470-1311.pdf>

Oath of Admission:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/oath-admission-4-24-2013-1471-1314.pdf>

Foreign Judgment Recognition Documents:

Petition/Affidavit of Petitioner:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/fj-pet-1315-1110.pdf>

Certification of Records of Foreign Court:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/certification-records-foreign-court-1472-1315.pdf>

Garnishment Documents:

Petition for Order of Garnishment:

<http://www.pokagonband-nsn.gov/sites/default/files/assets/group/tribal-court/form/2013/gar-com-pet-1317-1112.pdf>